

Court No. 29
(266041)

CRM (A) 2609 of 2024

01.08.2024
(AD 28)
(S. Banerjee)

(Allowed)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Ecopark Police Station Case No. 271 of 2023 dated 09.11.2023 under Sections 420/406/120B of the Indian Penal Code, pending before the learned Chief Judicial Magistrate at Barasat, North 24 Parganas.

And

In the matter of: **Radhe Shyam Mondal**

...petitioner

Ms. Jeenia Rudra

... for the petitioner

Ms. Subhasree Patel
Ms. Jonaki Saha

... for the State

1. The petitioner is the owner of the property. It is submitted that prior to the execution of the deed of gift by the father of the petitioner, one registered development agreement was executed between the father of the petitioner and M/s. KD Developers represented by its partners and after execution of the deed of gift on 11th July, 2017, a registered development agreement was executed between the parties and the developers on 28.07.2017 and a registered power of attorney was also executed by the petitioner in favour of the said developer. It is submitted that by reason of the said agreement, all liabilities are required to be borne by the developer.
2. Learned counsel for the State has produced the case diary and has submitted that the petitioner in connivance with the developer, has defaulted many flat owners inasmuch as

it is revealed that the development agreement includes the properties which do not belong to Radhe Shyam Mondal or his father. Radhe Shyam is absconding. However, it is submitted that all relevant documents for the purpose of investigation, have been seized.

3. Considering the materials available in the case diary, the nature and extent of involvement of the petitioner in the commission of the alleged offence and that all relevant documents have been seized and a charge-sheet has already been filed, we are of the opinion that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner (Radhe Shyam Mondal) shall be released on bail upon furnishing a bond of Rs. 50,000/- with two registered sureties of like amount, one of which must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioners shall cooperate with investigation and appear before the learned Chief Judicial Magistrate, Barasat, North 24 Parganas within two weeks from date.
5. Accordingly, the application for anticipatory bail is allowed.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Uday Kumar, J.)

(Soumen Sen, J.)