

28.08.2024
SL No.17
Court No.29
P.A. - DK
Allowed

CRM (A) 2707 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 in connection with Posta Police Station Case No. 55 of 2024 dated 25.04.2024 under Section 420 of the Indian Penal Code pending before the Court of Learned Additional Chief Metropolitan Magistrate, Calcutta.

And

In the matter of : **Rameswar Seth.**

- Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Ravi Ranjan Kumar,
.....For the Petitioners.

Mr. Anand Keshri,
Mr. Subhajit Chowdhury
....For the State.

Mr. Satadru Lahiri
Mr. Syed Wasim Faruque
....For the De facto Complainant.

- 1.The report filed by the Investigating Officer is taken on record.
- 2.It appears that the petitioner is cooperating with the investigation.
- 3.The Learned Counsel for the petitioner submits that in view of the compliance and nothing adverse is recorded against the petitioner, the prayer for anticipatory bail may be considered.
- 4.The Learned Counsel for the State and the de facto complainant submits that the gold bars are yet to be recovered.

5. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of alleged offence, the report of the Investigating Officer showing cooperation in the investigation, we are of the view that the custodial interrogation of the petitioner is not required.
6. Accordingly, the prayer for anticipatory bail is allowed.
7. Accordingly, we direct that in the event of arrest, the petitioner, namely Rameswar Seth shall be released on bail upon furnishing a bond of Rs. 30,000/- with two sureties of like amount, one of whom must be local, subject to the satisfaction of the arresting officer and also to comply with the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the Investigating Officer once in a fortnight till the submission of the final report. The report filed by the Investigating Officer is kept to the record.
8. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Metropolitan Magistrate, Calcutta in connection with G.R. Case No. 421 of 2024 within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
9. Accordingly, the application for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.

10. In the previous order the name of the Learned Counsel has not been mentioned. Mr. Mrityunjoy Chatterjee and Mr. Ravi Ranjan Kumar appeared on the previous date i.e. Order dated 07.08.2024 and their names should be recorded in the Order dated 07.08.2024.
11. Server copy shall be collected. Accordingly the name should be recorded as Learned Counsel appearing on behalf of the petitioner.
12. The aforementioned correction shall be incorporated in the order.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)