

06.09.2024

Court No.29
Item No. 16

BM/Aloke

CRM (A) 3136 of 2024

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, 2023 in connection with Katwa P.S. Case No. 683 of 2024 dated 09.08.2024 under Sections 316(4)/61(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, pending before the learned Additional Chief Judicial Magistrate, Katwa, Purba Bardhaman.

And

In Re: **Anas Sekh**

Petitioner

Mr. Kalyan Kr. Banerjee
Mr. Sk. Morshed Ali
Ms. Reshmi Khatun

... For the Petitioner

Mr. Sujan Chatterjee

... For the State

1. Heard the learned counsel for the parties.
2. On hearing the learned counsel for the petitioner and the learned counsel for the State who has placed the case diary and has relied upon specific Whatsapp chats relating to certain transactions between the accused persons.
3. Admittedly, one of the accused persons is the accountant of the Gas agency and the petitioner today before the Court is the delivery man. Prima facie, considering the amount which has been transferred online appears to be the payment receipt towards delivery of refilled gas cylinder and as such, considering the nature of the offence alleged and the amount allegedly misappropriated, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest the petitioner, namely, **Anas Sekh** shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of Rs.2,500/- each, to the satisfaction of the learned

Additional Chief Judicial Magistrate, Katwa, Purba Bardhaman, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure, subject to further condition that the petitioner shall appear before the trial Court within two weeks from date thereafter on each and every date of hearing until further orders.

5. In the event the petitioner fails to appear before the trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. CRM (A) 3136 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)