

09.09.2024
Court No.29
Item No. 43

Allowed

SM/Aloke

CRM (A) 3173 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Duttapukur Police Station Case No. 492 of 2024 dated 21.06.2024 under Sections 420/406/506/34 of the Indian Penal Code, pending before the Court of learned Chief Judicial Magistrate, Barasat.

And

In Re: **Jobbar Ali**

Petitioner

Ms. Ambiya Khatun
Mr. Enamul Islam
Mr. Danish Abbasi

For the Petitioner

Mr. Ranabir Roy Chowdhury
Mr. Sufi Kamal

For the State

1. Heard the learned advocates for the parties.
2. It appears that the petitioner acts as a broker and made certain assurances to the complainant of providing a rented accommodation and it is alleged that although he had taken the brokerage but did not find out any rented accommodation for the de facto complainant.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and that it is a positive case of the petitioner that he did not commit to provide any accommodation or had taken any money in consideration thereof and also having regard to the nature of the complaint, we feel that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Jobbar Ali**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties, subject to the satisfaction of the learned Chief Judicial Magistrate, Barasat and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that the petitioner shall meet the Investigating Officer of the concerned Police Station as and when required and on further condition that the petitioner shall appear before the jurisdictional Court within two weeks from date and on every date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. 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.)