

24.09.2024

Item No.3

Ct.No.34

b.das

Allowed

C.R.M. (SB) 130 of 2024

In Re : An Application for bail under Section 483 of BNSS, 2023 filed in connection with Tarakeswar Police Station Case No. 242 of 2024 dated 09.07.2024 under Sections 420/406/323/506/34 of the Indian Penal Code substituted by Sections 318/316/115/351/3(5) of BNS, 2023.

And

In Re : **Tanmay Das**

... Petitioner.

Mr. Tapas Kr. Ghosh

Mr. Tanmay Chaudhury ... for the Petitioner.

Ms. Minoti Gomes

Mr. Dipankar Paramanick ... For the State.

Learned counsel for the petitioner submits that the petitioner is in custody for about 51 days. Charge sheet is yet to be submitted.

In an earlier complaint under Section 138 of the Negotiable Instruments Act the defacto complainant alleged that the petitioner purchased gold from the defacto complainant and issued a cheque bearing no.776655 drawn on the State Bank of India, Nabagram Branch which was dishonoured. In the present complaint, the defacto complainant alleges that the petitioner took Rs.4,00,000/- on an assurance of a job for his son and the same cheque

bearing no.776655 was given by the petitioner to the defacto complainant.

Learned counsel for the State produces the Case Diary and opposes the prayer.

It appears that the same cheque was used by the defacto complainant in the earlier complaint under Section 138 of the Negotiable Instruments Act as well as the present complaint under Sections 420/406/323/506/34 of the Indian Penal Code substituted by Sections 318/316/115/351/3(5) of BNS. Investigation is yet to be completed. The petitioner is in custody for about 51 days.

Considering the material available on record particularly, seizure of the cheque in connection with both the complaints, this Court is inclined to hold that further detention of the petitioner for the purpose of custodial interrogation is not required.

Accordingly, the petitioner, **Tanmay Das** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandannagar, Hooghly subject to condition that he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for bail, being CRM (SB) 130 of 2024 is thus disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)