

11.01.2024
Item No.9 & 10
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4461 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tangra** Police Station Case No. **213/2023** dated **10.08.2023** under Sections **419/420/408/467/468/471/477A/506** and **120B** of the Indian Penal Code, 1860.

And

In the matter of : Ankita More

..... petitioner

with

C.R.M.(A) 4462 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tangra** Police Station Case No. **213/2023** dated **10.08.2023** under Sections **419/420/408/467/468/471/477A/506** and **120B** of the Indian Penal Code, 1860.

And

In the matter of : Priyanka Agarwal

..... petitioner

Mr. Apalak Basu,
Mr. Ashok Das,
Mr. Akash Ganguly
....for the petitioners

Mr. Rudradipta Nandy, Ld. A.P.P.
Mr. Subrato Roy
....for the State in CRM(A) 4461 of 2023

Mr. Joydeep Roy, Ld. Jr. Govt. Adv.
Mr. Amanul Islam
....for the State in CRM(A) 4462 of 2023

Two petitions are taken up analogously subsequent to the order dated January 4, 2024.

There subsist order dated October 16, 2023 in both the matters passed by the coordinate Bench granting ad interim anticipatory bail to the petitioners.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Learned advocate appearing for the State submits that, the claim against both the petitioners is a sum less than Rs.12 Lakh. Slightly in excess of Rs.12 Lakh stands in the bank account of Priyanka Agarwal who is one of the petitioners before us.

Learned advocate appearing for the petitioners submits on instruction that, the sum standing to the credit of Priyanka Agarwal in the bank account either by way of fixed deposit or in the savings bank account can be kept security till the disposal of the criminal proceedings.

In Court it is submitted on behalf of both the petitioners that, the amount standing in the account of Priyanka Agarwal will be utilized for the purpose of paying the liability of both the petitioners, if the occasion so arises.

In such circumstances, it would be appropriate to direct the State to keep the amount of fixed deposit and amounts standing to the credit of the savings bank account held by Priyanka Agarwal as frozen till the disposal of the criminal proceeding. The order of freeze of such bank accounts will be abide by the result of the criminal proceedings.

In view of the fact that, the amount claims stands secured, we confirm the interim order dated October 16, 2023.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that petitioners will cooperate with the investigation till the conclusion of investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 4461 of 2023 and CRM(A) 4462 of 2023 are disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)