

07.02.2024

Serial no. 36
Anticipatory bail

[Allowed]

Dd

CRM (A) 4495 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Kotulpur** Police Station Case No. **255** of **2023** dated **23.08.2023** under Sections **420/406/506** of the Indian Penal Code, 1860.
(G.R. Case No. 1074/2023)*

-And-

*In the matter of : **Sekh Rafik @ Sk. Rafik***

*... .. **Petitioner***

*Mr. Jayanta Narayan Chatterjee,
Mr. Dwaipayan Biswas,
Mr. Supreem Naskar,
Ms. Jayashree Patra,
Ms. Ritushree Banerjee,
Mr. Partha Singha, Advocates
... .. For the Petitioner*

*Mr. Sudip Ghosh,
Mr. Koushik Kundu, Advocates
... ..For the State*

*Mr. Tanmay Chowdhury,
Ms. Ritoprita Ghosh, Advocates
... ..For the de facto complainant*

Learned advocate appearing for the petitioner makes over a demand draft of Rs.2.20 lakhs to the learned advocate for the de facto complainant in Court.

Police complaint revolves around a claim of Rs.2.20 lakhs.

Police did not file charge sheet.

Learned advocate appearing for the petitioner requests that the police complaint may be dropped by the de facto complainant.

No doubt, the de facto complainant will act in accordance with law on encashment of the demand draft.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 the petitioner shall report before the Investigating Officer as and when called for till the conclusion of the investigation and on further condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4495 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)