

109 04.01.2024
(AD)
Court No.29
(Allowed)

C.R.M. (A) 4555 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Amta** P.S. Case No.**258 of 2021** dated **28/09/2021** under Sections **420/406/506/195A/34** of the Indian Penal Code, 1860, corresponding to GR No.2251 of 2021.
And

In the matter of: **Sk. Sagir Alam & Anr.**

....petitioners.

Mr. Tanmay Chowdhury
Ms. Ritopriya Ghosh

...for the petitioners.

Mr. Sujan Chatterjee

...for the State.

The petition is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, the petitioners were enlarged on interim anticipatory bail by the Coordinate Bench.

It is submitted at the bar that such order was passed without considering the materials in the case diary in view of the ensuing puja vacation.

We considered the materials in the case diary.

Learned Advocate appearing for the petitioners submits that the petitioners lent and advanced money to the de facto complainant. As a counterblast, two criminal complaints were lodged as against the petitioners when he demanded the loan amount. In the first police complaint, the petitioners obtained bail on surrender. In the present police complaint only the

amount involved is stated to be different.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

There arises an issue of false implication of the petitioners.

There are two police complaints as against the petitioners. More or less the allegations in the two police complaints are the same except the quantum.

On the previous police complaint, the petitioners obtained bail on surrender.

In such circumstances, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners will report before the Investigating Officer as and when called for till the conclusion of the 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.

The prayer for anticipatory bail of the petitioners is

allowed.

C.R.M. (A) 4555 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)