

08.01.2024
ML.108
Court No.29
(AD)
(Allowed)

C.R.M. (A) 4698 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Electronic Complex** Police Station Case No.**106 of 2022** dated **15.06.2022** under Sections **406/420/34** of the Indian Penal Code, 1860, [G.R. Case No.625 of 2022].

And

In the matter of: **Akshay Khandelwal & Anr.**

....petitioners.

Mr. Ayan Bhattacharjee
Ms. Sanchari Chakraborty
Ms. Tanishka Khandelwal

... for the petitioners.

Mr. Sudip Ghosh
Mr. Soushik Kundu ...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 17, 2023 passed by the Coordinate Bench.

By such order, an interim anticipatory bail was granted to the petitioners.

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

We perused the materials in the case diary.

Police complaint revolves around entertainment of the goods sold and delivered. Apparently, the petitioners also did not respond to the notice under Section 41A of the Code of Criminal Procedure.

However, there is an element of civil suit involved.

Consequently, we confirm the interim order dated October 17, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before the Investigating Officer once a fortnight 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.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4698 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)