

09.01.2024

212
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4768 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jadavpur** Police Station Case No. **59** of **2023** dated **07.04.2023** under Sections 420/408/467/468/477A/34 of the Indian penal Code.

And

In Re : Biswarup Das

..... petitioner

Mr. Dipayan Kundu

....for the petitioner

Mr. Sudip Ghosh

Mr. Bitasak Banerjee

...for the State

Mrs. Arundhati Banerjee

Mr. Kaustav Banerjee

Ms. Ria Kundu

..for the defacto-complainant

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

By such order dated October 17, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

We perused the materials in the case diary.

Apparently, there are commercial transactions between the private parties. The police complaint revolves around the same.

In such circumstances, we deem it appropriate to confirm the interim order dated October 17, 2023.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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. The petitioner will meet before the Investigating Officer once a month till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

