

10.01.2024

226
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4883 of 2023

An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baguiati** Police Station Case No. **108** of **2023** dated **02.03.2023** under Sections 420/406/506 and Section 34 of the Indian penal Code.

And

In Re : Anup Kumar Biswas & Anr.

..... petitioners

Mr. Prabir Majumder

....for the petitioner

Mr. Swapan banerjee

Ms. Purnima Ghosh

...for the State

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 18, 2023 passed by the Coordinate Bench.

By such order dated October 18, 2023, the petitioners were 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.

The police complaint was registered pursuant to an order passed under Section 156 (3) of the Cr.P.C.

The petition under Section 156 (3) of the Cr.P.C. speaks of incidence of 1999.

No subsequent, transactions are involved.

There is also a delay in lodgement of the complaint. Consequently, we confirm the interim order dated October 18, 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/- 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. The petitioner no. 1 will report before the Investigating Officer once a month till the conclusion of the investigation and the petitioner no. 2 will cooperate with the investigation. 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

