

14.10.2024
GB/srm
Crt. No.8
Sl no. 11
(Allowed)

C.R.M. (A) 3757 of 2024

In Re : An application for bail under Section 438 of the Code of Criminal Procedure, 1973 read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 7.10.2024 in connection with Shakespeare Sarani Police Station Case No.89 dated 01.06.2023 under Sections 408/469/471/420/120B of the Indian Penal Code, 1860.

In the matter of : Govind Nayak @ Vinayak @ Govind

..... Petitioner

Mr. Tapas Banerjee, Sr. Adv.,
Mr. Satadru Lahiri,
Mr. Safdar Azam

... for the Petitioner

Ms. Subhasree Patel,
Ms. Suruchi Saha

... for the State

Mr. Banerjee, learned advocate appearing on behalf of the petitioner submits that the petitioner has cooperated in course of the investigation and subsequently, the investigating agency on conclusion of the investigation has submitted their report under Section 173, Cr.P.C. before the jurisdictional court.

Attention of this Court has been drawn to the order dated 21st June, 2024, wherein one of the accused persons surrendered before the learned jurisdictional court and was granted bail. Learned advocate submits as such the petitioner may be granted the relief as prayed for.

Learned advocate for the State opposes the prayer for anticipatory bail and submits that the petitioner did not cooperate with the investigation, although once he appeared before the investigating officer but subsequently, he did not appear.

We have considered the submissions of the respective parties and we find that since the case is based on documents and similarly placed

accused person has already been released on bail on surrender, we are of the view that custodial detention of the petitioner is unwarranted in the facts and circumstances of the case.

Accordingly the petitioner is granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner, namely, Govind Nayak @ Vinayak @ Govind, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 read with Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 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.

The application for anticipatory bail CRM (A) 3757 of 2024 is, thus, allowed.

(Tirthankar Ghosh, J.)

(Uday Kumar, J.)