

06.11.2024
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as
[ALLOWED]

C. R. M. (A) 3818 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mejia Police Station Case No. 17 of 2023 dated 03.03.2023 under Sections 406/417/420 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Bankura.

In Re: ***Abhay Kumar Rai.***

... .. Petitioner

Mr. Prabhat Kr. Srivastawa.

... .. for the petitioner

Ms. Faria Hossain, Id. A.P.P.,

Mr. Abhishek Verma.

... .. for the State

Ms. Shweta Thakur.

...for the de-facto complainant.

1. Learned Advocate-on-record of the petitioner is given liberty to correct the cause title of the petition.
2. It is contended petitioner is a bank employee and did not play any part in preparation of the re-possession certificate. Co-accused has been granted anticipatory bail.
3. Learned Advocate for the State opposes the prayer for anticipatory bail.
4. Learned Advocate for the de-facto complainant contends bank officials had prepared fabricated documents and took re-possession of the vehicle. They have even utilized those documents before the Consumer Court.
5. We have considered the materials on record. The alleged documents are in the custody of the investigating agency. Custodial interrogation for seizing the documents is not

necessary. Grievance of the petitioner with regard to illegal seizure of the vehicle may be adjudicated before the appropriate forum. Co-accused has been granted anticipatory bail.

6. In light of the aforesaid circumstances, we are inclined to grant bail to the petitioner.

7. Accordingly, we direct that in the event of arrest, the petitioner viz., **Abhay Kumar Rai** 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 subject to the conditions as laid down under Section 482(2) of the BNSS. He shall appear before the court below and pray for regular bail within four weeks from date.

8. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)