

17.12.2024
Sl. No.11
akd
[ALLOWED]

C. R. M. (A) 4394 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 05.12.2024 in connection with Tarakeswar Police Station Case No.309 of 2024 dated 23.08.2024 under Sections 420/406/323/379/34 of the Indian Penal Code. (G.R. Case No.1629 of 2024)

And

In Re: **Somnath Modak**

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Partha Pratim Das
Mr. Asraf Mandal

... .. for the State

1. Leave is granted to the learned Advocate-on-record for the petitioner to amend the cause title in course of the day.
2. It is submitted on behalf of the petitioner there is a matrimonial dispute between himself and his wife. A series of cases have been registered between the parties. Present case is an off-shoot of the said dispute. Friend of the petitioner's wife has falsely implicated him in the case. Accordingly, he prays for anticipatory bail.
3. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner had induced the de-facto complainant to pay a sum of Rs.40 lakhs on the assurance of securing a work contract in the Railways. Cheque leafs signed by the petitioner were recovered during investigation.
4. We have considered the materials on record. Transaction took place in 2021. There is no receipt with regard to the money allegedly paid by the de-facto complainant. Cheque leafs signed by the petitioner merely evidences some commercial relationship but nothing more. On

the other hand, it is alleged the de-facto complainant is a friend of the estranged wife of the petitioner and it is contended the present case is instituted in retaliation to a criminal dispute between the petitioner and his wife. Possibility of false implication on such score cannot be ruled out. Keeping in mind these facts, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

5. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Somnath Modak**, 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)