

19.02.2024
DL-98
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5647 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Uttarpara** Police Station Case No.**430 of 2023** dated **24.11.2023** under Sections **420/406/467/468/471/120B/34** of the Indian Penal Code, 1860.(G.R. Case No.2981 of 2023).

And

In the matter of: **Prokash Mitra**

....petitioner.

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourav Mondal
Ms. Labani Sikder
Mr. Rony Mondal

...for the petitioner.

Mr. Partha Pratim Das
Mr. A.S. Chatterjee

... for the State.

Mr. Amartya Ghose
Ms. Rituparna De Ghose
Mr. Siddhartha Paul
Mr. Souryadeep Ghosh

... for the de facto complainant.

Petitioner, State and the de facto complainant are represented.

Apparently, the police complaint revolves around alleged failure of the petitioner to tally the quantum of goods supplied with the quantum of goods consumed.

Apparently, the nature of the contract was such that it allowed for a certain amount of wastage.

Claim of the petitioner is that he is within the permissible limit of the wastage.

As to whether, petitioner exceeded that limit or not, may be decided at the trial.

In such circumstances, we grant anticipatory bail to the

petitioner.

Accordingly, we direct that in the event of arrest, the petitioner 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5647 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)