

D/L71
23.12.2024
Rohit
ct.no.28

C.R.M. (A) 4618 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Lake Town Police Station Case No. 92/24 dated 03.04.2024 under Sections 420/406 of the Bharatiya Nyaya Sanhita.

And

In Re: **Ashok Kumar Mishra**

...Petitioner

Mr. Deep C. Kabir, Sr. Adv.
Mr. Md. Zeeshan Uddin
Mr. Amrin Khatoun

...for the petitioner

Mr. D.C Kabir, Sr. Adv.

...for the petitioner
(through V.C)

Mr. Bitasok Banerjee

...for the defacto complainant

Ms. Sonali Das
Mr. Subhasish Datta

...for the State

1. Heard learned Advocates for the parties.
2. We have considered the materials on record.
Petitioner submits that there was a romantic relationship between the parties and he has been falsely implicated. Accordingly he prays for anticipatory bail.
3. Learned lawyer for defacto complainant contends petitioner promised to marry her as a result she

credited cash to his account which he has misappropriated.

4. Learned Lawyer for the State also opposes the prayer.
5. We have considered the materials on record. Statements of witnesses including the victim show a romantic relationship developed between two adult persons.
6. In this backdrop defacto complainant had credited monies to the petitioner. Whether the transfer of funds was prompted through dishonest inducement may be assessed at the appropriate stage of the proceeding. However, custodial interrogation is not necessary as the process of criminal law cannot be used for recovery of outstanding dues.
7. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.
8. Accordingly, we direct that in the event of arrest, the petitioner viz., **Ashok Kumar Mishra** 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 Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition petitioner while on bail shall meet the investigating officer once in a week until further orders.. He shall

appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)