

125 16.12.2020  
rkd Ct. No.28  
(Allowed)

**C.R.M. 8646 of 2020  
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Airport** P.S. Case No. **128 of 2020** dated **26/08/2020** under Section **465/468/420/406/120B/34/409** of the Indian Penal Code.

And

In the matter of: Pradeep Mazumder @ Pradipta Majumder  
....petitioner.

Mr. Ayan Bhattacharya,  
Ms. M. Hajra,  
Mr. A. R. Tiwary

...for the petitioner.

Mr. S. Lahiri

...for the defacto complainant.

Mr. N. Ahmed,  
Mr. A. Bhattacharya,  
Ms. S. Sharma

...for the State.

It is submitted on behalf of the petitioner that the dispute is civil in nature and relates to non-payment of outstanding dues.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

Learned counsel appearing on behalf of the defacto complainant also opposes the prayer for anticipatory bail and submits that he was induced to supply fabric on the impression that petitioner had extensive business interests through out the world.

We have considered the materials on record. Whether the petitioner has dishonest intention at the inception of the transaction may be assessed at the appropriate stage of the

proceeding. However, breach of contractual obligation per se would not attract the offence of cheating. Under such circumstances, we are of the opinion though custodial interrogation of the petitioner is not necessary, petitioner requires to cooperate with investigation in accordance with law.

In the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs. 25,000/- 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 438(2) of the Code of Criminal Procedure, 1973 and on further condition that he shall meet the investigating officer once in a week until further orders.

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

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**