

36 07.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 8841 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nadial** P.S. Case No. **35 of 2020** dated **14/03/2020** under Section **420/406/427/506/120B** of the Indian Penal Code.

And

In the matter of: Somnath Adhikary @ Somnath Adhikari
....petitioner.

Mr. A. Jana,
Mr. S. Chakraborty
...for the petitioner.

Mr. S. Nag,
Ms. S. Parveen
...for the defacto complainant.

Mr. S. Ghosh,
Mr. A. K. Datta
...for the State.

Petitioner submits that dispute is civil in nature and he has responded to the notice under Section 41A of Cr.P.C.

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 admitted dues to the tune of above Rs.14 lakh have not been paid.

We have considered the materials on record. A commercial contract was executed between the parties. Whether non-payment of dues in breach of contractual obligations per se would attract culpable liability is to be assessed at the appropriate stage of the proceeding. In view of the aforesaid facts, we are of the opinion though custodial interrogation of the

petitioner is not necessary, petitioner requires to cooperate with the investigation in accordance with law.

In the event of arrest, the petitioner shall 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 438(2) of the Code of Criminal Procedure, 1973 and on further condition that he shall meet the investigation officer once in a week until further orders.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)