

17.12.2020

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CRM 9027 of 2020

(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Murshidabad P.S. Case No.384 of 2020 dated 05.09.2020 under Sections 406/420 of the Indian Penal Code.

And

In the matter of: Md. Kader Sk.

....Petitioner.

Mr. K. Mondal
Mr. S. Halder
Mr. Sarthak Barman
Mr. A. Banerjee

...for the Petitioner.

Mr. Arijit Ganguly
Mr. Sanjib Kr. Dan

...for the State.

It is submitted on behalf of the petitioner that there was a loan transaction between the parties and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that petitioner failed to refund the loan advanced to him.

We have considered the materials on record. Mere breach of contractual obligation per se would not attract the offence of cheating. Hence, we are inclined to allow the prayer for anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner 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 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is thus allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)