

27.11.2020

BP/BR
Sl.38

CRM 9429 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Matigara Police Station Case No. 975 of 2020 dated 10.09.2020 under Sections 406/420/325/379/506 of the Indian Penal Code.

In the matter of : Dinesh Singh.....petitioner

Mr. Shibaji Kumar Das
..for the petitioner.

Mr. Tarun Banerjee
Mr. Aditi Shankar Chakraborty
..for the State.

Mr. Deborshi Dhar
..for the defacto complainant.

The petitioner undertakes to appropriately stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

It is submitted by the learned advocate for the petitioner that it is the case of the de facto complainant that part payment has already been received. The disputed amount is due and payable. Therefore, the question of breach of contract and

cheating does not arise. It is a commercial transaction. The de facto complainant can recover his dues by filing regular money suit.

Learned advocate for the State opposes the prayer for anticipatory bail and submits that the petitioner is not ready and willing to pay dues to the de facto complainant. Therefore, court should not allow the application for anticipatory bail.

The submission of the State is adopted by the learned advocate appearing for the de facto complainant.

Considering the submissions as advanced by the learned advocates for the parties and after perusing the record that the de facto complainant had already received the part payment of the alleged dues. Therefore, in our considered view, the custodial interrogation of the petitioner is not required. The petitioner should be granted anticipatory bail.

Accordingly, we allow the prayer for anticipatory bail.

In the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer of the case.

The aforesaid order shall be subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being C.R.M. 9429 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Kausik Chanda, J.)