

12.04.2021

Court No.28

rpan / 300

CRM 808 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re : **Harish Chandra Jana**

- Petitioner

Mr. Sudip Ghoshchowdhury,

Mr. Argha Das,

Mr. Abhishek Bose

... For the Petitioner.

Mr. Arijit Ganguly,

Mr. Avik Ghatak

... For the State

Apprehending arrest in connection with Chinsurah P .S. Case No. 354 of 2020 dated 06.11.2020 under Sections 417/418/420/406/506 of the Indian Penal Code, the petitioner has filed the present application.

The learned advocate for the petitioner submits that the dispute is civil in nature and the complainant has converted the civil dispute to a criminal proceeding.

Learned advocate appearing for the State opposes the prayer and draws the attention of this Court to the relevant documents including the agreement for sale.

We have perused the materials on record and we find that there was a transaction between the *de facto* complainant and the present petitioner. However, we are of the opinion that there are trappings of civil dispute in the instant proceeding. Having regard to the same, we are of the opinion that custodial detention

of the petitioner is not required. As such, the prayer for anticipatory bail of the petitioner is **allowed**.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Harish Chandra Jana**, shall be released on bail upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order of anticipatory bail will remain in force for a period of four weeks from date within which the petitioner shall appear / surrender before the Jurisdictional Magistrate and pray for regular bail.

The Jurisdictional Magistrate is directed to impose conditions, if required, after ascertaining the same from the Investigating Officer of the case.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 808 of 2021, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)