

CRM 1764 of 2021

In re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Electronic Complex PS Case No. 04 of 2021 dated January 5, 2021 under Sections 420/406 of the Indian Penal Code.

In the matter of : **Vikramjeet Singh & Anr.**

..... petitioners

**Mr. Rajdeep Majumder
Mr. Abhijit Singh**

.....For the petitioners

Mr. Saibal Bapuli

.....For the State

The petitioners are apprehending arrest in connection with Electronic Complex PS Case No. 04 of 2021 dated January 5, 2021 under Sections 420/406 of the Indian Penal Code now pending in the Court of the Additional Chief Judicial Magistrate, Bidhannagar, North 24-Parganas.

Mr. Rajdeep MAjumder learned counsel for the petitioner submits that allegations made are wholly baseless and has no factual foundation whatsoever as the complainant has suppressed material facts and despite being a dispute arising out of a commercial transaction, no preliminary enquiry was conducted by the investigating agency before registration of the First Information Report, as provided for by the Hon'ble Supreme Court in the case of Lalita Kumari Vs. The State of Uttar Pradesh (2014) 2 SCC 1 and the complainant has instituted the instant case only in order to arm twist the petitioners into arriving at a settlement in a civil dispute.

Mr. Saibal Bapuli learned counsel for the State candidly submits that the dispute between the parties is civil in nature.

However, it is pointed out that a notice under Section 41A of the Code of Criminal Procedure was issued but that has not been complied. If any order is passed with the direction to comply with the notice issued to the petitioners, it would be proper in the interest of investigation.

Having regard to the nature of the offence and the complaint and having heard learned counsel for both the parties, we are of the view that the petitioners being a renowned company and having a status of the company and business relationship with the de-facto complainant for the supply of goods and further bearing in mind the nature of dispute being civil in nature, the petitioners namely, Vikramjeet Singh and Manjeet Singh being directors of M/s. Aiglet Suppliers Private Limited be admitted on anticipatory bail.

We, accordingly direct that, in the event of arrest, the petitioners shall be released on bail upon furnishing bonds of Rs.5,000/- (Rupees Five Thousand Only) each with two sureties of like amount each to the satisfaction of the arresting officer and subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application being CRM 1764 of 2021 is allowed and disposed of accordingly.

(Saugata Bhattacharyya, J.)

(Shivakant Prasad, J.)