

30. 06.08.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2096 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **23/02/2021** in connection with **Amherst Street Police Station Case No. 04** dated **05/01/2021** under Sections **420/406/120B** of the Indian Penal Code.

And

In the matter of: - **Subhra Sankha Roy & Anr.**

....petitioners.

Mr. Ranajit Talukdar

...for the petitioners.

Mr. Ranajit Roy

...for the *de facto* complainant (through V.C.).

Mr. Sudip Ghosh,
Mr. Apurba Kumar Datta

...for the State.

The petitioners say that the present complaint has been made in relation to a commercial agreement entered into by and between the petitioners and the complainant. The petitioners had agreed to install an elevator at the residential premises of the complainant. A sum of Rs.3,00,000/- (Approximately) out of the agreed consideration of Rs.8,00,000/- was received by the petitioners. However, because of the pandemic that set in, the work could not be completed. Accordingly, the present complaint has been lodged.

We have seen the material in the Case Diary. It appears that the dispute between the petitioners and the complainant is essentially commercial in nature. Notice under Section 41A of the Code of Criminal Procedure was issued to the petitioners. Learned Advocate for the petitioners says that the petitioners

responded to such notice although, there is nothing on record to corroborate such submission.

Having considered the overall facts and circumstances of the case and the material in the Case Diary, we are of the view that the petitioners may be granted anticipatory bail so long as they co-operate with the investigation which is yet to be completed.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and with further condition that the petitioners shall meet the Investigating Officer once every fortnight and on any other occasion when they may be required to do so by the Investigating Officer.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 2096 of 2021 is, thus, **allowed**.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)