

16.12.2021
Sl. No.100
akd
[ALLOWED]

C. R. M. 6578 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 28.09.2021 in connection with Patuli Police Station Case No. 47 of 2021 dated 16.03.2021 under Sections 420/406/120B of the Indian Penal Code. (G.R. Case No.1055 of 2021)

And

In Re: ***Rajib Roy @ Ray***

... .. Petitioner

Mr. Amlan Biswas

... .. for the petitioner

Mr. Rudradipta Nandy

... .. for the State

It is submitted on behalf of the petitioner that there was a commercial transaction between the parties and ingredients of the alleged offences are not disclosed. There was no dishonest intention on the part of the petitioner at the inception of the transaction.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner did not install the retail outlet inspite of payments being made to him.

We have considered the materials on record. Whether the petitioner had dishonest intention at the inception of the transaction requires to be assessed in the light of the submission that the dispute arose out of a commercial transaction. Mere breach of agreement does not always attract criminal liability. Under such circumstances, we are of the opinion though custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case, he requires to cooperate with the investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Rajib Roy @ Ray***, 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 and on further condition that the petitioner shall meet the Investigating Officer once in a week until further orders and shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)