

Court No.
39
Item.1
ssi

29.11.
2021

C.R.M. 7697 of 2021

(via video conference)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dankuni Police Station Case No. 144 of 2020 dated 15.08.2020 under Sections 420/406/120B/34 of the Indian Penal Code.

And

In Re : Pritam Das
 accused/petitioner

Mr. Atis Kumar Biswas
Mr. Rajib Lochan Chakraborty
Ms. Anasuya Sinha
Mr. Amit Singh
Mr. Jyoti Agarwal
 for the petitioner
Mr. Navanil De
 ...for the defacto-complainant
Mr. Swapan Banerjee
Ms. Purnima Ghosh
 for the State

This is an application for bail in connection with a case under Sections 406, 420 read with Sections 34 and 120B of the Indian Penal Code.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the partner in a concern under name and style of M/s Bangaliana, which supplies food to different other entities. Franchise agreements are entered into with other concerns. The defacto-complainant is one of such concern. The

informant entered into such a franchise agreement with the petitioner's concern on 5.6.2018. Business transactions continued till the middle of 2019. Subsequently, the defacto-complainant could not continue with the business in equal measure as it was also dealing with another similar concern. The defacto-complainant also raised issues regarding food quality. Disputes cropped up. The transactions ended. The defacto-complainant raised a claim for a certain sum of money and then filed an FIR. The petitioner's prayer for anticipatory bail was rejected by this Court and the same was affirmed by the Hon'ble Apex Court. Presently, the petitioner is in custody for 37 days. The defacto-complainant abused the process of Court and tried to execute a money claim by instituting a false criminal case of cheating. In another similar case, he has already been released on bail.

Learned counsel appearing on behalf of the State submits that at least two more similar cases are pending against the present petitioner. A prima facie case is clearly made out against the petitioner.

Learned counsel for the defacto-complainant files a Vakalatnama which is taken on record. He submits as follows. Despite undertaking to pay the dues to the defacto-complainant, the petitioner has failed to do so. His prayer for anticipatory bail was rejected. After his

arrest, the petitioner has paid a sum of Rs. 1,50,000/- (one lakh fifty thousand only) in cash to the defacto-complainant and has undertaken to pay another sum of Rs. 3,00,000/- (three lakhs only). He has issued a cheque in this regard. However, the petitioner has duped several other persons in the same fashion.

I have heard the submissions of the learned counsels appearing on behalf of the parties and have perused the revision petition and the case diary.

In view of the fact that the petitioner has paid a sum of Rs. 1.5 lakhs in cash to the informant and considering the length of custody already suffered by the petitioner, I am inclined to release the petitioner on bail.

The petitioner shall be enlarged on bail upon furnishing a bond of Rs.10,000/- (ten thousand only) with two sureties of like amount, one of whom must be local subject to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore.

Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)