

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

**CRM 328 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Birpara Police Station Case No.16 of 2021 dated 05.02.2021 under Section 420 of the Indian Penal Code, 1860.

And

In the matter of: Sanjit Kami @ Sanjit Barailey

.... Petitioner

Mr. Arnab Saha

... For the Petitioner

Mr. Arun Kumar Sarkar,
Mr. Abhijit Sarkar.

... For the State

Learned counsel appearing for the petitioner submits that dispute in this case arose out of a contract between the parties with regard to a vehicle and there is no criminal ingredient in this case.

Learned counsel for the State opposes the prayer for anticipatory bail.

In view of the fact that there was an understanding between the parties with regard to the relevant vehicle following which a part payment was also made, prima facie, it appears that ingredient of Section 420 is absent in this case.

Accordingly, the petitioner should be given benefit of anticipatory bail. The prayer for anticipatory bail is allowed subject to the conditions that in the event of arrest the petitioner will be released on bail subject to furnishing a bond of Rs.5,000/- with two sureties of like amount each to the satisfaction of the arresting officer and the

petitioner will report to the investigating officer as and when called for.

Petitioner will comply with the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

The application for anticipatory bail, being CRM 328 of 2021, is allowed.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)