

03.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1048 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Salboni** Police Station Case No. **210** of **2021** dated **25.08.2021** under Sections 420/406/341/323/506/34 of the Indian Penal Code, 1860.

And

In Re : Dijabara Sahoo @ Dwijabar Sau @ Diwjabar Sau
..... petitioner

Mr. Ayan Bhattacharya
....for the petitioner

Mr. Saibal Bapuli
Mr. Arani Bhattacharya
....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the disputes are civil in nature. The petitioner is a trader. The de-facto complainant is also a trader. It is alleged as against the petitioner that he failed to pay for the quantity of goods sold to him. The transactions run into several crores. The petitioner paid a sum of Rs. 2.75 crores to the de-facto complainant. The claim is for another Rs. 44 lakhs.

Learned advocate appearing for the State submits that, the petitioner is not complying with the notices issued under Section 41A of the Code of Criminal Procedure.

Considering the fact that the accounts between the de-facto complainant and the petitioner are required to be taken and considering the fact that the disputes are essentially civil in nature, we deem it appropriate that the petitioner need not be taken in for custodial interrogation. Therefore, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be 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 fortnight till the conclusion of the investigation and on condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

