

26.05.2022

Sl. No. 65

Srimanta

Ct.No. 05

CRM (A) No. 2413 of 2022

In Re : An application for anticipatory bail under Section **438** of the Code of Criminal Procedure, 1973 in connection with the **Nakashipara** Police Station Case No. **165/2022** dated **17.03.2022** under Sections **406 /409 /420 /465 /471 / 503/34** of the Indian Penal Code, 1860.

In the matter of : **Rafikul Islam Mondal**

...petitioner.

Mr. Kaustav Bagchi, Adv.,
Mr. Amanul Islam, Adv.,
Mr. Sourav Mukherjee, Adv.
Mr. Debayan Ghosh, Adv.
Ms. Priti Kar, Adv.

...for the petitioner.

Mr. Goutam Wilson, Adv.,

...for the State.

Learned counsel for the petitioner rightly contends that an investigation of the nature of the transaction-in-question, out of which the alleged offence arises, is commercial and civil in nature.

It is evident from the materials on record that there is a dispute as regard the respective liabilities of the complainant and the petitioner in respect of business transactions entered into between the two, which partakes the character of a civil, commercial dispute, as opposed to a criminal matter.

Hence, we do not find any rhyme and reason to unnecessarily permit the petitioner to be arrested.

Hence, CRM (A) No. 2413 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that

the petitioner shall comply with the stipulations as laid down in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be enlarged on bail upon furnishing security of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer.

Moreover, the petitioner shall meet the Investigating Officer as and when called upon to do so.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)