

July 25, 2022
(20) ARDR
Allowed

CRM (A) 3466 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Amherst** Police Station Case No. **79 of 2022** dated **15/4/2022** under Sections **420/406/120B** of the Indian Penal Code.

And

In the matter of: **Debasish Gupta,**

....petitioner.

Mr. Pradyat Saha,

...for the petitioners.

Mr. Rabi Sankar Chattopadhyay,

...for the de facto complainant.

Mr. Binay Panda,

Ms. Puspita Saha,

...for the State.

Petitioner prays for anticipatory bail.

Learned counsel for the petitioner submits that the contract was worked out albeit some delay. The petitioner complied with the notices under Section 41A of the Criminal Procedure Code.

Learned counsel for the State submits that out of three notices under Section 41A of the Criminal Procedure Code, the petitioner responded two of the notices.

Learned counsel for the de facto complainant submits that the petitioner is yet to install the lift. The petitioner is yet to obtain requisite permission from the appropriate authority.

Learned counsel for the petitioner relies upon the photographs to show that the lift is functioning.

There are elements of civil disputes between the private parties.

In such circumstances, 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer as and when called for till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3466 of 2022 is thus, **disposed of.**

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

