

**16.09.2022**

S1.6

Court No.29

(AD)

(Allowed)

**C.R.M. (A) 4430 of 2022**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Durgapur** Police Station Case No. **346** of **2022** dated **01.08.2022** under Sections **403/419/420/406/120B** of the Indian Penal Code, 1860.

And

In the matter of: **Mrs. Pamela Brahma**

....petitioner.

Ms. Sayanti Sengupta

Mr. Jamiruddin Khan

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP

Mr. Arani Bhattacharyya

...for the State.

Mr. Amajit De

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The agreement for construction of a ground floor plus two more floors building contains an arbitration clause. According to her, the petitioner is not in default.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that despite payment in excess of Rs.21 lakhs, the petitioner is yet to construct and make over possession of the flat to the de facto complainant.

The disputes emanate from a written agreement. The disputes are apparently civil in nature.

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) 4430 of 2022** is, thus, disposed of.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**

