

29.09.2022.  
09.  
AD/KC  
(Allowed).

**C.R.M. (A) 4611 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raghunathganj P. S.** Case No.**805 of 2022** dated **11.09.2022** under Sections **420/406** of the Indian Penal Code.

In the matter of : Wasim Akter

... Petitioner.

Ms. Shabana Hasin

...for the Petitioner.

Mr. Ujjal Ray

...for the de-facto complainant.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

.....for the State.

Petitioner submits that there is a commercial dispute between themselves and he has been falsely implicated. Ingredients of the offences punishable under Sections 420/406 of the Indian Penal Code are not disclosed in the facts of the case.

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

Learned lawyer for the de-facto complainant submits petitioner had taken an advance of Rs.10 lakhs which he has not paid to the farmers.

We have considered the materials on record. Dispute essentially revolves around non-payment of outstanding dues. Whether the ingredients of the offences under

Sections 420/406 of the Indian Penal Code are disclosed in the aforesaid factual matrix may be decided at the appropriate stage of the proceeding. However, under such circumstances custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall report before the Investigating Officer once a week till the conclusion of the investigation and on further condition that the petitioner shall appear before the trial court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, disposed of.

**(Ajay Kumar Gupta,J.)**

**(Joymalya Bagchi, J.)**