

30.08.2023

SL. 14

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 3358 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Burtolla** Police Station Case No. **123** dated **15.07.2023** under Sections **406/420** of the IPC.

And

In the matter of: **Sujay Lodha**

....petitioner.

Mr. D. Deb

Dr. R. P. Motilal

Mr. Pabitra Biswas

...for the petitioner.

Mr. Sudi[p Ghosh

Mr. Koushik Kundu

...for the State.

Mr. Sandipan Ganguly

Mr. A. Bhattacharya

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The informant is asserted to have supplied printing ink worth Rs. 67,56,138/- to the present petitioner who is the distributor. The Present petitioner is alleged to have supplied the entire consignment to various retailers and he is alleged to have collected the money from them. It is alleged by the informant that after collecting the amount from the retailers, the petitioner is required to keep his part of the profit and he is further required to pay the informant the value of the consignment sent to him.
3. From the materials on record it is clear that the informant had supplied the consignment of above worth to the petitioner and the petitioner has consumed the same. It is to be found out whether various retailers have been supplied with the consignment and considerations for the same have been received by the petitioner.
4. This being a purely business transaction, we do not find any

requirement of custodial interrogation of the petitioner though an element of criminality is there in the action of the petitioner at least *prima facie*.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that:
 - i) The petitioner shall appear before the I.O. once in a week on the date and time fixed by the I.O. and cooperates with the investigation. The condition shall be effective till submission of F.F.
6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 3358 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

