

01.12.2023
tkm/ct 28
sl no.72

C.R.M. (A) 4831 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Uttarpada P.S case no. 315 of 2023 dated 24.8.2023 under sections 420/406/120B IPC

And

Allowed

In Re : Aniruddha Saha & Ors.

..... petitioners

Mr. D Brahma

..... for the petitioners

Mr. Soumik Ganguli

..... for the State

1. Petitioners submit that they are the contractors under the de facto complainant which is a developer of the property. There is a running transaction and a sum to the tune of Rs. 37 lakhs has already been paid. Allegation of non-payment of sum to the tune of Rs. 14 lakhs is out and out false. He has cooperated with investigation.

2. Learned lawyer for the State oppose the prayer for anticipatory bail.

3. We have considered the materials on record. Offences are punishable with maximum imprisonment of seven years. Petitioners responded to notice under section 41A Cr.P.C and co-operated with investigation. Dispute centers around unpaid dues in a running transaction.

4. Keeping in mind the aforesaid facts, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the

conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the investigating officer as and when necessary

6. Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

7. The application being CRM (A) 4831 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)