

28.02.2023

Sl. No.30
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 137 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 07.02.2023 in connection with NJP Station Case No. 335 of 2022 dated 08.04.2022 under Sections 406/420/120B of the Indian Penal Code. (G.R. Case No.2018 of 2022)

And

In Re: ***Shipra Paul***

... .. Petitioner

Mr. Haider Ali
Mr. Kunaljit Bhattacharya
Mr. Alok Sah
Mr. Satyam Sarkar

... .. for the petitioner

Mr. Kallol Acharjee
Mr. Tapan Bhattacharjee

... .. for the State

It is submitted on behalf of the petitioner that one SB Construction entered into a development agreement with the de-facto complainant. Petitioner is the partner in S.S. Construction, a sister concern. Part payment has been made.

Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner did not cooperate with the investigation.

We have considered the materials on record. Profile of allegations prima facie disclose breach of a contractual arrangement. Part payment has been made. Whether accused had dishonest intention at the inception of the transaction requires to be assessed during trial. In view of the aforesaid facts, we are of the opinion

custodial interrogation of the accused/petitioner may not be necessary and she may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Shipra Paul***, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)