

29.09.2023.

Item No. 31

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 823 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 14.09.2023 in connection with Jaigaon Police Station Case No. 21 of 2023 dated 27.01.2023 under Sections 406/420 of the Indian Penal Code.

And

In the matter of: **Pradip Chandra Mandal.** ...petitioner

Mr. Arnab Sengupta,
Mr. Deborshi Dhar. ...For the petitioner

Mr. Kallol Acharjee,
Mr. Arjun Chowdhury.For the State

1. Anticipatory bail is sought on the basis that the complaint is primarily a civil dispute.
2. The complainant has alleged on 21st January, 2023 that a lease rent for one of the four vehicles has not been paid.
3. It appears also that the FIR has been registered under Sections 406 and 420 of the Indian Penal Code. An accused cannot be charged under the two sections at the same time.
4. The dispute between the parties is also primarily civil in nature.
5. Counsel for the Public Prosecutor opposes the prayer for anticipatory bail.

6. In the above circumstances, the petitioner shall be entitled to anticipatory bail.

7. It is directed that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting officer upon furnishing a Bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local subject to the condition that the petitioner shall co-operate with the investigation as and when called for until further order of this Court.

8. This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

9. The Case Diary be returned.

10. C.R.M. (A) No. 823 of 2023 is allowed and disposed of.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)