

03.04.2024
tkm/ct 28
sl no. 75

C.R.M. (A) 1083 of 2024

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dumdum P.S case no. 41 of 2024 dated 2.2.2024 under sections 420/406 IPC
And

Allowed

In Re : Prasenjit Ganguly petitioner

Mr. D Banerjee
Ms. S Singh

..... for the petitioner

Ms. Faria Hossain
Ms. Deborshi Bramho

..... for the State

1. Petitioner submits allegations relate to breach of contractual obligations with regard to installation of an elevator in the office of the de facto complainant. Ingredients of offence of cheating or criminal breach of trust are absent. He prays for anticipatory bail.
2. Learned lawyer for the State submits petitioner had made similar false representation to other customers.
3. We have considered materials on record. It is alleged petitioner had not installed elevator in the office of the de facto complainant. Nothing is placed on record to show that he entertained dishonest intention at the inception of the transaction. Mere breach of promise by itself does not constitute cheating.
4. In view of the nature of accusation we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary and he may be granted anticipatory bail.

5. 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 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 petitioner while on bail shall meet the investigating officer once a week until further orders.
6. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.
7. The application being CRM (A) 1083 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)