

29.07.2024
SL No.12
Court No.29
(gc)
(Allowed)

CRM (A) 2404 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Chatterjeehat Police Station Case No.104 of 2024 dated 05.06.2024 under Sections 420/406 of the Indian Penal Code.

And

In the matter of : **Goutam Kumar Barman**

- Petitioner.

Mr. Amitabha Ghosh,
Ms. Nabanita Chatterjee,
Ms. Arpita Dhar

....For the Petitioner.

Mr. Samarjit Balial

....For the De facto Complainant.

Mr. Arani Bhattacharyya

... For the State.

1. The dispute is between the owner and the developer. A civil suit has been filed by the de facto complainant being Title Suit No.195 of 2024 for declaration, injunction and recovery of money against the defendants.
2. The learned Counsel for the petitioner submits that the petitioner has paid Rs.54 lakhs in part-performance of his obligation under the contract.
3. Having regard to the aforesaid facts, we are of the view that the custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Goutam Kumar Barman**, shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of like

amount each, one of whom must be local, 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 corresponding to Section 482(2) of the BNSS, 2023 and the petitioner shall meet the I.O. once in a week till the submission of the final report. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Howrah in connection with G.R. Case No.2763 of 2024 within two weeks from date.

5. Accordingly, the application for anticipatory bail is disposed of.
6. The learned Counsel for the petitioner has submitted that having regard to the nature of the dispute, the matter may be also referred to the Mediation.
7. The parties are, accordingly, directed to approach the Secretary, Mediation Centre, High Court at Calcutta with such request.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)