

**02.09.2024**

Court No.29

Item No.20

**Allowed**

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**CRM (A) 2824 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Survey Park Police Station Case No. 159 of 2023 dated 07.08.2023 corresponding to ACGR Case No. 4018 of 2023 under Sections 420/406 of the Indian Penal Code.

In Re: **Dr. Chef Vinoth Kumar**

Petitioner

Mr. R. Prabhakaran

Mr. T. Islam

Mr. Nazir Ahmed For the Petitioner

Ms. Minoti Gomes

Mr. Atulya Sinha For the State

Mr. Tirthankar Dhali

Mr. Sayantan Adhya

Mr. Najimul Hoque For the De-facto Complainant

1. The report filed by the Investigating Officer is taken on record.
2. We have heard the learned counsel appearing for the parties at length.
3. It, prima facie, appears that the dispute relates to execution of a memorandum of agreement. It is an essential business transaction.
4. Learned counsel for the petitioner submits that the petitioner was all throughout willing to give franchise in Kolkata, as agreed and he has met with the de-facto complainant at a Kolkata campus.
5. Learned counsel for the State and the de-facto complainant in opposing the prayer for anticipatory bail have submitted that there was no formal agreement executed and the petitioner has cheated the de-facto complainant. Learned counsel for the State in addition has submitted that

the petitioner could not produce agreement which shows that the amount is non-refundable.

6. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and further it appears that there has been a meeting in the Kolkata campus where some amounts have been paid to the bank account of the petitioner and the petitioner has specifically submitted that petitioner is still willing to give franchise in Kolkata, we are of the view that custodial interrogation of the petitioner is not necessary.
7. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Dr. Chef Vinoth Kumar** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a fortnight till the submission of the final report and on further condition that the petitioner shall appear before the **learned Chief Judicial Magistrate, Alipore, South 24 Parganas**, within two weeks from date in connection with **ACGR Case No. 4018 of 2023**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
8. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Soumen Sen, J)**

**(Shampa Dutt (Paul), J)**