

05.09.2024
SL No.15
Court No.29
(gc)
(Allowed)

CRM (A) 3080 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 filed in connection with Bishnupur Police Station Case No.364 of 2024 dated 02.04.2024 under Sections 420/406/506 of the Indian Penal Code.

And

In the matter of : **Abdul Hannan Sardar**

- Petitioner.

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta,
Mr. Arpayan Mukherjee,
Mr. S.K. Mondal

....For the Petitioner.

Mr. Joydeep Biswas,
Mr. Debanshu Ghorai

... For the State.

Mr. Soumik Ganguly,
Mr. Pradip Kundu,
Mr. N. Touhid

....For the De facto Complainant

1. We have heard the learned Counsel for the parties.
2. The fact emanating from the case diary reveals that there is a dispute over an immovable property. The allegation is that the petitioner has not returned the consideration amount in terms of the agreement for sale followed by a cancellation agreement.
3. We have carefully read the agreement for sale and the agreement for cancellation of the said agreement.
4. The learned Counsel for the petitioner submits that even today the petitioner is willing to sell the said property and the petitioner will refund the amount after selling the property.

5. It appears from record that within four months stipulated in the agreement for sale, the amount was not offered. The agreement provides for remedy. The dispute appears to be civil in nature.
6. Considering the aforesaid factors, 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, **Abdul Hannan Sardar**, 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 on further condition that the petitioner shall meet the I.O. once in a week till the submission of the final report.
8. It is further directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas in connection with B.G.R. No.1680 of 2024 within two weeks from date.
9. Accordingly, the application for anticipatory bail is disposed of.
10. At the suggestion of the learned Counsel for the petitioner and the de facto complainant, the matter is sent to the Member Secretary, Mediation and Conciliation Committee, High Court, Calcutta for appointment of a Mediator in order to resolve the dispute between the parties in the meantime.

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

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)