

19.09.2024

Court No.29

Item No.13

ar

CRM (A) 3266 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 Jorabagan Police Station Case No. 82 of 2024 dated 14.05.2024 corresponding to G.R Case No. 479 of 2024 under Sections 420/120B of the Indian Penal Code.

And

In Re: **Sanjay Kumar Gupta**

Petitioner

Mr. Sanjoy Bose

Mr. Priyankar Basu Mallick

Mr. Sayandeep Chanda

For the Petitioner

Mr. Rana Mukherjee

Mr. Ratul Ghosh

For the State

Mr. Ayan Bhattacharya

Mr. Anupam Das Adhikari

Mr. Krishnendu Paul Chowdhury

Mr. Prakash Mishra

Ms. Harshita Nath

For the De-facto Complainant

1. Heard the learned counsel appearing for the parties.
2. Learned counsel for the petitioner admits that there was a commercial transaction between the parties in which some amounts remained outstanding. It is further submitted that presently the petitioner is undergoing treatment and he would start repaying the admitted sum of Rs.21,49,303/- after three months and pay off the entire admitted sum within a reasonable time.
3. Learned counsel for the State and the de-facto complainant have opposed the prayer for anticipatory bail.
4. Considering the nature of transaction, which is commercial in nature and having regard to the stand taken by the petitioner regarding repaying the

admitted sum, we are of the view that custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sanjay Kumar Gupta** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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 as and when required till the submission of the final report and on further condition that the petitioner shall appear before the **Jurisdictional Court** within two weeks from date in connection with **G.R Case No. 479 of 2024**. 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.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
7. We hope and trust that the undertaking of the petitioner recorded in this order shall be honoured by the petitioner.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)

