

04.11.2024
Ct. No. 28
SL No. 41
SB/AP

CRM (A) 3703 of 2024

In Re: - An application for bail under Section 482 of the B.N.S.S. 2023 corresponding to Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** P.S. Case No. **736 of 2024** dated 25.5.2024 under Sections 420/406/506/ of the Indian Penal Code.

And

In the matter of: Md. Sariful Biswas @ Tunu

Mr. Kazi Mokhlasur Rahman

... for the petitioner

Mr. Debasish Roy, Ld. P.P.

Mr. Saryati Dutta

Mr. Bikram Mitra

...for the State

1. Petitioner contends this is a civil dispute and he has been falsely implicated. In spite of notice upon the de facto complainant to pay the remainder sum, the latter failed to fulfill the conditions of the agreement. There is no deception on the part of the petitioner.

2. Learned Public Prosecutor contends petitioner failed to respond to notice under Section 41A of the Cr.P.C.

3. We have considered the materials on record. Petitioner contends notice was issued upon the de facto complainant to pay the remainder of the sale consideration but he failed to do so. It is doubtful whether petitioner had dishonest intention from the inception of the transaction to defraud the complainant.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory 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 subject to the condition as laid down under Section 482(2) of the B.N.S.S. corresponding to Section 438(2) of the Code of Criminal Procedure and shall meet the investigating officer once in a week and also petitioner shall appear before the Court below and pray for regular bail within a period of four weeks from date.

6. The application for anticipatory bail, is thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)