

07.11.2024
14
SG
[ALLOWED]

C. R. M. (A) 3760 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burrabazar Police Station Case No. 132 of 2024 dated 14.07.2024 under Sections 420/406/120B of the Indian Penal Code, 1860..

And

In Re: Inder Chand Chowdhary and Anr.

... ... Petitioners

Mr. Satadru Lahiri,
Mr. Deepankar Thakur

... ... for the petitioners

Mr. Anwar Hossain,
Mr. Nirupam Dhali

... ... for the State

Mr. Rohan Ojha
Mr. Surajit Saha

... ... for the de facto complainant

1. Petitioners contend failure to pay a debt does not constitute an offence. He prays for anticipatory bail.
2. Learned lawyer for the State submits petitioner had taken a loan and undertook to return the same. He has failed to do so.
3. Learned lawyer for the *de facto* complainant submits petitioners had claimed he has repaid the loan and is dishonestly supporting this claim on the strength of forged and fabricated document.
4. We have considered the materials on record. Allegations at its height disclose breach of contractual obligations. Nothing is placed on record to show petitioners have utilized forged documents to support their claim that they refunded the money.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

6. Accordingly, we direct that in the event of arrest, the petitioners viz., **Inder Chand Chowdhary** and **Fula Ram** be released on 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 conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

7. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)