

06.11.2024
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SG
[ALLOWED]

C. R. M. (A) 3777 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 Jagacha Police Station Case No. 172 of 2024 dated 08.10.2024 under Sections 318(4)/316(2)/61(2)4 of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: Sudipta Pal

... .. Petitioner

Mr. Arkadyuti Pahari,
Mr. Abrajit Roy Chowdhury,
Mr. Kaustav Das,
Mr. Soham Kumar,
Mr. Gourab Bhatt,
Ms. Gargi Maity.

... .. for the petitioner

Ms. Shaila Afrin,
Mr. Subhan Gani.

... .. for the State

Mr. Atindranath Misra

... .. for the de-facto complainant

1. Petitioner contends the dispute is civil in nature. He had constructed the pandal and there are outstanding dues payable by the *de facto* complainant. He prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail. She contends petitioner had committed similar acts in the past.
3. Learned lawyer for the *de facto* complainant contends petitioner failed and neglected to construct the puja pandal although money had been handed over to him.
4. We have considered the materials on record. Allegations at its height disclose breach of contractual obligation. While *de*

facto complainant contends petitioner did not construct the pandal but misappropriated the advanced sum, it is the petitioner's contention that pandal had been constructed and puja was duly performed. In view of the aforesaid circumstances, we are of the opinion custodial interrogation for progress of investigation is not necessary and petitioner may be enlarged on anticipatory bail.

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

6. Accordingly, we direct that in the event of arrest, the petitioner viz., Sudipta Pal 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 and on further condition petitioner while on bail shall meet the Investigating Officer once in a week until further orders. He 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.)