

12.11.2024
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as
[ALLOWED]

C. R. M. (A) 3841 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bowbazar Police Station Case No. 115 of 2023 dated 17.06.2023 under Sections 406/420/120B of the Indian Penal Code.

In Re: ***Amit Kumar Roy & Anr.***

... .. Petitioners

Mr. Debabrata Acharyya,
Mr. Sital Samanta.

... .. for the petitioners

Mr. Antarikhya Basu,
Mr. Aslam Parvez.

... .. for the State

1. Petitioners submit they are co-owners of the land and a development agreement was executed between them and the de-facto complainant/developer. The developer did not act in terms of the agreement. Petitioners revoked the development agreement/power of attorney and entered into a new agreement with a third party. In retaliation, a criminal case has been registered. Accordingly, they pray for anticipatory bail.

2. Learned Advocate for the State submits petitioners had taken a sum of Rs.28 lakhs from the de-facto complainant. Subsequently, they have entered into a new agreement with a third party.

3. We have considered the materials on record. A development agreement was executed by and between the petitioners and the de-facto complainant. Subsequently, the agreement and power of attorney were revoked and a fresh

agreement has been executed between the petitioners and a third party. Non-refund of the advance made under the revoked agreement is a civil dispute which cannot partake a criminal profile.

4. Under such circumstances, we are of the opinion petitioners may be granted anticipatory bail.

5. Accordingly, we direct that in the event of arrest, the petitioners viz., ***Amit Kumar Roy and Moumita Roy*** be released on bail upon furnishing a bond of Rs.10,000/- each, 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 BNSS. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)