

42 24.01.2024
(AD) Court No.29
(Allowed)

C.R.M. (A) 4999 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Burtolla** P.S. Case No.**249** dated **22/11/2022** under Sections **405/406/415/420/506/120B/34** of the Indian Penal Code, 1860, G.R. Case No.1402/2022.

And

In the matter of: **Nabanita Singh & Anr.**

....petitioners.

Mr. Milon Mukherjee, Ld. Sr. Advocate
Mr. Sandip Kumar Bhattacharyya
Mr. Tarun Kumar Aich
Mr. Dipta Dipak Banerjee
Ms. Tanushree Sett Airch

...for the petitioners.

Mr. Madhusudan Sur, Ld. APP
Mr. Dipankar Paramanick

...for the State.

Mr. Apalak Basu
Mr. Nazir Ahmed
Mr. Kiwi Kapoor

... for the de facto complainant.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the disputes involved are civil in nature. There are arbitration proceedings pending.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that there are other criminal cases as against the petitioners.

Learned Advocate appearing for the de facto complainant submits that the petitioners before us are owners of an immovable property. They entered into a development agreement with his clients. That apart, subsequently, the petitioners entered into several development agreements in respect of the selfsame property.

We considered the materials in the case diary.

The issue as to whether, the petitioners duly cancelled the

development agreement entered into between the petitioners and the de facto complainant or not is an issue in the arbitration.

There are civil disputes between the parties which are pending in arbitration.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner no.2 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no.1 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default, the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 4999 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)