

14.11.2024

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Allowed

C.R.M. (DB) No. 3780 of 2024

In Re:- An application for bail under Section 483 of BNSS in connection with Basirhat Police Station Case No. 750 of 2024 dated 10.10.2024 under Sections 318(4)/316(2)/316(5)/3(5) of the BNS.

And

In Re : Andolan Mandal petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. Sabir Ahmed

Mr. Farooque Ali

Md. Arham Reza

.... for the petitioner

Mr. Debasish Roy, learned PP

Mr. Arijit Ganguly

Mr. Kousik Kundu

.... for the State

Mr. Krishnendu Bhattacharya

Mr. Akash Siddhartha

Mr. Rounak Majumder

.... for the de facto complainant

1. Learned Counsel for the petitioner submits he is the Branch Manager of M/s. Canara Bank which had financed the purchase of 23 machines by the *de facto complainant*. It is contended though some of the machines were supplied by the vendor none of them were found at the premises of the *de facto complainant* during inspection. Failure to supply machines is a breach of contractual obligation by the vendor and the bank officials are not responsible for it. Though he had co-operated with investigation, he was taken into custody. Hence, he prays for bail.

2. Learned Public Prosecutor produces the case diary.

3. Learned Counsel for the *de facto complainant* submits the bank officials in collusion with the vendor had advanced the entire money without ensuring supply of all the machines.

4. We have considered the materials on record. Petitioner's bank had financed purchase of 23 machines. Some of the machines were supplied by the vendor. Others had not been supplied. This is a breach of contractual obligation by the vendor and it is open to the *de facto complainant* to take necessary steps against him. Contention that the bank officials are hand in glove with the vendor appears to be founded on mere suspicion. Petitioner had co-operated with investigation and there was no necessity of his arrest for progress of investigation. Accordingly, we are inclined to grant bail to the petitioner.

5. Accordingly, we direct the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at

liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)