

30.01.2024

467(ML)
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 5184 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bishnupur** Police Station Case No. **506 of 2023** dated **29.06.2023** under Sections 409/420/34/120B of the Indian Penal Code.

And

In Re: Sumita Saha @ Sumitra Saha

..... petitioner

Mr. Sandipan Ganguly, Sr. Adv.,

Mr. Dipanjan Dutt

Mr. Surojit Saha

....for the petitioner

Ms. Faria Hossain

Mr. Subham Bhakat

...for the State

Mr. Anbindya Bose

Mr. Santanu Majhi

Mr. Chandrachur Chatterjee

Mr. Abhishek Hazra

...for the defacto-complainant

Petitioner prays for anticipatory bail.

Learned Senior Advocate appearing for the petitioner submits that, there are number of proceedings pending between the private parties. There is a proceeding under the Arbitration and Conciliation Act, 1996 and one before the Debts Recovery Tribunal. He also draws the attention of the Court to an earlier order passed by the Coordinate Bench granting anticipatory bail to the petitioner.

State and the defacto-complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Learned advocate appearing for the defacto-complainant submits that, the petitioner is selling the owner's allocation without repaying the loan of the defacto-complainant to the bank.

At least three proceedings are pending between the private parties in respect of a development agreement before three different fora. One is a previous police complaint. The other is a proceeding under the Arbitration and Conciliation Act, 1996 and the third, is a proceeding pending before the Debts Recovery Tribunal. Proceedings enumerated above necessarily are not in the chronological order.

Apparently, a development agreement was entered into between the petitioner and the defacto-complainant. Disputes with regard to such development agreement are subject matters of litigations between the private parties in arbitration.

Apparently, there is an angle of loan being taken from a secured creditor which again is a subject matter of litigation before the Debts Recovery Tribunal.

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

Accordingly, we direct that in the event of arrest, the petitioner shall 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 be subject to the conditions as laid down under Section 438(2) of the Code of

Criminal Procedure, 1973. The petitioner will cooperate with the investigation till the conclusion of the investigation. The petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)