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Allowed

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Shakespeare Sarani Police Station Case No. 133 of 2024 dated 21.08.2024 under Sections 120B/409/420/406 of the Indian Penal Code.

Mr. Saswata Gopal Mukherji
Mr. Kallol Kumar Basu
Mr. Debapriya Samanta
Mr. Samrat Ghosh
Mr. Jannat Ul Firdous
Mr. Suhotro Palit
.....for the petitioner

Mr. Sandipan Ganguly, Sr. Adv.
Mrs. Manaswita Mukherjee
.... for de facto complainant

2. Learned Counsels for the State and *de facto complainant* oppose the prayer for anticipatory bail. Learned

senior Counsel for the *de facto complainant* submits petitioner had dishonestly induced his client to make supplies running over Rs.50,00,000/- but payments have not been made.

3. We have considered the materials on record which show there was a running transaction between the parties. Part payments have been made with regard to earlier supplies. In such view of the matter it is difficult to come to an inference that petitioner had dishonest intention from the inception of the transaction. Mere failure to pay dues *per se* may not constitute offence of cheating or criminal breach of trust. Accordingly, we are inclined to grant anticipatory bail to the petitioner.

4. 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, one of whom must be local, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

