

28.11.2024
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as
[ALLOWED]

C. R. M. (A) 4141 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Domjur Police Station Case No. 551 of 2024 dated 15.07.2024 under Section 406 of the Indian Penal Code.

In Re: ***Deb Kumar Ghosh.***

... .. Petitioner

Mr. Palash Mukherjee,
Ms. Sucheta Mitra.

... .. for the petitioner

Mr. Joydeep Roy,
Mr. Sobhan Gani.

... .. for the State

Mr. Shankar Mukherjee.

.....for the de-facto complainant.

1. Petitioner submits allegations disclose breach of contractual obligation and ingredients of offence punishable under Section 406 of the Indian Penal Code are not disclosed. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail.

3. Learned Advocate for the de-facto complainant submits only one out of two flats agreed to be sold has been handed over to him. The other flat has been sold to a third party.

4. We have considered the materials on record. An agreement was entered into between the petitioner and the de-facto complainant for selling two flats. One of the flats has been transferred. But it is alleged the other flat has been sold to a third party. Uncontroverted allegations *prima facie* disclose breach of contractual obligation.

5. Under such circumstances, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary but he requires to co-operate with the investigating agency in accordance with law.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Deb Kumar Ghosh** 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 subject to the conditions as laid down under Section 482(2) of the BNSS and on further condition petitioner while on bail shall meet the investigating officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)