

23.12.2024
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Allowed

C.R.M. (A) No. 4564 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Berhampore Police Station Case No. 1799 of 2024 dated 11.11.2024 under Sections 303(2)/126(2)/351(3)/318(4)/316(2)/3(5) of the BNS.

And

In Re : Maitri Dutta & Anr. petitioners

Mr. Phiroze Edulji, Sr. Adv.
Ms. Sanjana Saha

.....for the petitioners

Mr. Bibaswan Bhattacharya
Mr. Bikram Mitra

.....for the State

Mr. Arindam Jana
Mr. Apurba Chakraborty

..... for the de facto complainant

1. Learned Senior Advocate for the petitioners submits *de facto* complainant is an associate of Ananda Dutta with whom they have monetary disputes. As a result a number of criminal cases have been instituted against them. Present case is a species of such false and frivolous litigations. Petitioners have been granted anticipatory bail in other cases. They pray for similar relief.

2. Learned Counsel for the *de facto* complainant submits he is in no way connected with Aanada Dutta. He is an interior designer and had rendered services to the petitioners.

They have failed and/or neglected to liquidate his dues. On the contrary, they have detained his vehicle.

3. Learned Counsel for the State also opposes the prayer for anticipatory bail.

4. In reply, learned Senior Advocate submits allegation of detaining the vehicle is out and out false.

5. We have considered the materials on record including the FIR. In the FIR it is alleged *de facto* complainant had undertaken interior designing of the petitioners' flat. A sum of over Rs.9,50,000/- was payable to the *de facto* complainant out of which Rs. 7,00,000/- has already been liquidated. When the *de facto* complainant went to recover the remaining sum he was assaulted and his vehicle was detained. We note case has arisen out of a commercial dispute. Substantial amount has already been liquidated. Bald allegation in the FIR that the *de facto* complainant's vehicle was detained is not corroborated by any evidence. Under such circumstances, we are of the opinion custodial interrogation may not be necessary but petitioners require to co-operate with investigation in accordance with law.

6. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that they shall appear before the jurisdictional court and pray for regular bail

within a period of four weeks from date and on further condition that petitioner no. 2, Kaushik Dutta shall meet the investigating officer once in a week until further orders.

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

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)