

20.08.2024.

Item No. 29

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 566 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 19.07.2024 in connection with Falakata Police Station Case No. 178 of 2023 dated 27.04.2023 under Sections 420/406 of the Indian Penal Code.

And

In the matter of: **Chanakya Nath.** ..Petitioner

Mr. Sudip Guha,
Mr. Sandip Guha Roy,
Mr. Ananda Paul. ...For the petitioner

Mr. Abhijit Sarkar,
Mr. Ujjwal Luksom,
Ms. Namrata Das.For the State

1. The application for anticipatory bail is made on the ground that the dispute is primarily civil in nature.
2. It appears from the records that FIR was registered under a complaint case and the order of the Magistrate under Section 156(3) of the Code of Criminal Procedure.
3. It is the case of the prosecution that the complainant Jaya Dey had obtained a loan to purchase a Tripper, which is a vehicle for excavation and is generally given out on hire.
4. The petitioner is stated to have repurchased vehicle from the complainant on the promise that he will pay the EMIs to the Finance Company. He has failed to do so and

the Finance Company is now pressuring the de facto complainant to pay up the money.

5. While it is true that the dispute is primarily civil in nature and Sections 406 and 420 of the Indian Penal Code cannot be added in a single FIR, this Court notes that the petitioner has been issued notice under Section 41A of the Code of Criminal Procedure on three several occasions but he has not responded to the same.

6. In view of the above, this Court is not inclined to entertain the application for anticipatory bail of the petitioner.

7. The Case Diary be returned.

8. C.R.M. (A) No. 566 of 2024 is, thus, dismissed.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajoy Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)