

15.01.2025
09.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 146 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Malda Police Station FIR No. 392/2024 dated 13.06.2024 under Sections 406/417/420/506 of IPC.

And

In Re: **Asim Aktar.**

... .. Petitioner

Mr. Sayantan Hazra.

.... for the petitioner

Ms. Amita Gaur,
Ms. Rajnandini Das.

.... for the State

1. Petitioner submits there was a relationship between the parties. The relationship soured. As a result, he has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record including an undertaking to refund the sums advanced to him. As per FIR there was intimate relationship between the parties. Petitioner asked for loan for financing a movie. He received over Rs.25 lakhs. He undertook to refund the money but has failed to do so. Failure to refund loan *per se* would not constitute offence of cheating. Custodial interrogation for progress of investigation is not necessary.
4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Asim Aktar** 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 Bharatiya Nagarik Suraksha Sanhita, 2023 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)