

24.02.2025
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as
[ALLOWED]

C. R. M. (A) 641 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kharagpur Town Police Station Case No. 460 of 2020 dated 02.11.2020 under Sections 419/420/406/506/34 of the Indian Penal Code.

In Re: Niranjana Roy.

... .. Petitioner

Mr. Shataroop P:urkayastha,
Mr. Sambhu Prasad,
Mr. Jagriti Bhattacharya.

... .. for the Petitioner

Mrs. Anasuya Sinha, Ld. A.P.P.,
Mr. Saptarshi Chakraborty.

... .. for the State

1. Petitioner submits there was a commercial transaction between the parties. Proceeding under Section 138 of the N. I. Act was instituted. Subsequently, present case has been filed alleging cheating. Ingredients of cheating are not disclosed. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail. She submits petitioner has similar cases registered against him in the State of Bihar. He absconded for four years.

3. We have considered the materials on record. In the FIR, it is alleged de-facto complainant had advanced loan to the petitioner and he had issued cheques to repay the loan. Cheques were dishonoured and prosecution under Section 138 of the N. I. Act was instituted. Petitioner is defending himself in the said proceeding. Subsequently, the present case has been registered.

Nothing is placed on record to show petitioner had dishonest intention from the inception of the transaction. Criminal case pending against the petitioner in Bihar does not relate to the self-same parties.

4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Niranjan Roy** 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. 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.)