

03.03.2025
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[ALLOWED]

C. R. M. (A) 745 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jorasanko Police Station Case No. 21 of 2025 dated 25.01.2025 under Sections 318(4)/316(2)/61(2) of BNS, 2023.

In Re: Shyama Prasad Barik.

... .. Petitioner

Mr. Angshuman Chakraborty,
Mr. Debabrata Sardar.

... .. for the Petitioner

Ms. Faria Hossain, Ld. A.P.P.,
Ms. Snigdha Saha.

... .. for the State

Md. Shahajahan Hossain,
Ms. Sanjida Sultana.

...for the de-facto complainant.

1. Petitioner submits there was a commercial transaction between petitioner and the de-facto complainant in 2020. Cheques issued by him were allegedly dishonoured. Instead of instituting proceeding under Section 138 of the Negotiable Instrument Act, the instant criminal case has been registered. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State and the de-facto complainant submits petitioner had taken a sum of Rs.20 lakhs and assured he would hand over 10.5 tons of fish. He failed to do so. Subsequently, cheques were issued by him on a defunct account. This discloses his dishonest intention.

3. We have considered the materials on record. In 2020 de-facto complainant had paid a sum of Rs.20 lakhs to the petitioner. In return petitioner assured the complainant he

would hand over 10.5 tons of fish. This was not done. Subsequently, cheques issued by the petitioner were dishonoured. The first part of the transaction at its height discloses breach of contractual obligations between the parties. The subsequent transaction resulting in dishonor of cheques may yield to prosecution under Section 138 of the Negotiable Instrument Act. But it is difficult to comprehend the dishonor *per se* would attract dishonest intention from the inception of the transaction in 2019.

4. Hence, we are inclined to grant anticipatory bail to the petitioner subject to conditions.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Shyama Prasad Barik** 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.

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

(Gaurang Kanth , J.)

(Joymalya Bagchi, J.)