

05.03.2025
Sl. No.26
akd
[ALLOWED]

C. R. M. (A) 782 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 25.02.2025 in connection with New Alipore Police Station Case No.158 of 2024 dated 22.12.2024 under Sections 420/406/120B of the Indian Penal Code. (C.G.R. Case No.3531 of 2024)

And

In Re: ***Arun Kumar Agarwal***

... .. Petitioner

Mr. Debrup Bhattacharjee
Mr. Pradeep Kr. Tulsyan
Mr. Tirthankar Dey

... .. for the petitioner

Mr. Aasish Choudhury
Ms. Priyanka Sarkar
Ms. Meera Agarwal

... .. for the de-facto complainant

Ms. Puja Goswami

... .. for the State

1. It is submitted on behalf of the petitioner that he had taken a loan of Rs.20 lakhs in 2017. He had paid interest on the loan. Part payment of the principal sum has also been made. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner has cooperated with investigation.
3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail. She submits since 2019 petitioner did not make further payments.
4. We have considered the materials on record. The case has arisen out of a loan transaction between the parties in 2017. Petitioner has paid interest on the loan. A portion of the principal has also been

paid. In view of the aforesaid facts, we are of the opinion whether there was deception at the inception of the transaction has to be assessed at the appropriate stage of the proceeding. However, process of criminal law cannot be unleashed to recover outstanding dues. Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail however, subject to strict conditions.

5. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Arun Kumar Agarwal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 that the petitioner 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.)