

29.04.2025
SL.17
Ct.No.28
NB

CRM (A) 1251 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with GR case no.3801 of 2024 arising out of Tamluk P.S. Case No.1031 of 2024 dated 22.11.2024 under Sections 406/419/420/464/465/467/471/12B of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Purba Medinipur.

And

In the matter of : Prajesh Chatarjee & Ors. ... petitioners

Mr. Manjit Singh Id.Sr.Adv.,
Mr. Biswajit Mal,
Mr. Arkaprabho Roy,
Mr. Soujanya Pattanayak.
...for the petitioners.

Mr. Sankar Prasad Dalapati.
...for the de facto complainant.

Mr. Debasish Roy Id.PP.,
Mr. Anand Keshari,
Mr. Akash Ganguly.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners owned certain trucks. They gave Rs.1.09 crores to the de facto complainant for manufacturing bodies for the trucks. But, the de facto complainant did not do the work. Nor did he return the said trucks. Accordingly, the petitioners filed an FIR at the Tamluk Police Station on 30.03.2023. A charge sheet was submitted in this case. The petitioners got back those trucks. As a counterblast, on 09.04.2023, the de facto complainant filed a case alleging that the adverse parties were partners and the petitioners did not settle the

accounts. A final report was filed in this case. The present de facto complainant filed a naraji petition, which is pending consideration. Despite this, the petitioner filed a second case over the same facts on 09.04.2024 at the Bhabanipur Police Station. The petitioners preferred an application for quashing. A coordinate Bench of this Court on 27.01.2025 granted relief of no coercive action against the present petitioners in *CRR 4847 of 2024*. The revision is pending. In spite of all these, the de facto complainant started a third case on the selfsame facts, the only addition now being that the petitioners were allegedly using his fast tags.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail and submits that there are clear differences in the three complaints.

Learned counsel appearing on behalf of the State relies on the case diary and submits that the de facto complainant has, in fact, filed three cases against the petitioners substantially on similar facts. The addition in the third case is that the petitioners had allegedly used his fast tags.

In view of the nature of allegations and the fact that the de facto complainant has filed three criminal proceedings substantially over the selfsame facts with a little difference in the third case, I do not think that custodial interrogation of the petitioners is required in this case

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure,

corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition not to threaten or intimidate witnesses and to cooperate with the investigation.

The application for anticipatory bail being **CRM(A) 1251 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)