

04.08.2025
Sl. No.22
Ct. 28
NB

C.R.M. (A) 1504 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 Singur PS Case No.09/2025 dated 06.01.2025 under Section 406 of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate at Chandernagore, Hooghly.

And

In the matter of: Babanpreet Singh ... petitioner

Mr. Dhananjoy Banerjee,
Mr. Praloy Hazra.
...for the petitioner.

Ms. Sukanya Bhattacharya,
Mr. Ratul Ghosh.
...for the State.

Mr. Sandipan Ganguly Sr.Adv.,
Mr. Rohit Das,
Mr. Indradip Das,
Ms. Kishwar Rahman.
...for the de facto complainant.

Opposition filed on behalf of the de facto complainant/opposite party is taken on record.

Learned counsel appearing on behalf of the petitioner submits that his client would not file any formal reply, but would deny the same verbally.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had agreed to supply a crane to the present de facto complainant and did supply the same. It was the grievance of the de facto complainant that the same could not be assembled and was not functioning properly. Allegedly, a part broke after the assembly was done. At best, this leads to a civil

dispute between the parties. Instead of claiming damages or praying for replacement before an appropriate forum, a criminal case was started. No prima facie case is made out as would be evident from a plain reading of the First Information Report. After the matter became pending before this Court, the petitioner made all efforts to bring the product in working condition and the same has been done, which has nevertheless been disputed by the de facto complainant. This is not a case where custodial interrogation of the petitioner would be necessary.

Learned senior counsel representing the de facto complainant strongly opposes the prayer for anticipatory bail and submits that the petitioner from the very inspection had no intention to deliver a proper product. Even after purported attempt to repair the product, the crane could not be commissioned in spite of installation because one of the parts broke.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail and submits that a prima facie case is made out.

Considering the materials available in the case dairy, the rival contentions about whether the product was delivered in proper condition and the subsequent attempt by the petitioner to complete the assembly, I do not consider this to be a case where custodial interrogation of the petitioner would be required and I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 that the petitioner shall cooperate with the investigation and shall meet the Investigating Officer as and when required and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM (A) 1504 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.)