

16.07.2025
Court No.28
Item No.11
ssi

CRM (A) 1493 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Budbud PS Case No.58 of 2025 dated 10.04.2025 under Sections 316(2)/318(4)/61(2)/303(2) of the BNS, 2023.

And

In the matter of: **Pradeep Makhanlal Singla & others.**

....Applicants/Petitioners.

Mr. Milon Mukherjee, Sr. Adv.
Mr. Sandipan Ganguly, Sr. Adv.
Mr. Pinak Mitra
Mr. Neelesh Choudhury
Ms. A. Poddar

...for the petitioners

Mr. Anup Kumar D. Sayare
Mr. Anil Upadhyay

...for the de facto

Mr. Madhusudan Sur, Ld. APP
Mr. Subham Bhakat

..for the State

Learned senior counsel representing the petitioners submits as follows. The FIR arose out of a commercial dispute. The de facto complainant used to purchase coal from the CCL and the petitioners were the transporters. Huge sums of money fell due as transportation charges. Accordingly, the petitioners sent a letter to the de facto complainant's concern on 21.01.2025. They approached the authorities under the IBC, but on technical grounds the same was not entertained. As a counterblast to such letter and claim, the present FIR was registered on 10.04.2025. Among other things, the allegations are of supply of lesser quantity and lower quality of coal. But, the petitioners were mere transporters and could not be held liable for any of these. As would be evident from the e-mails sent by

the petitioners copies of which are annexed at pages 96 and 102 of the application for anticipatory bail, the de facto complainant was informed that the petitioners were trying to load the items from the Tori Public Siding, but they had asked for necessary payment and that payment was never made. In fact, the costs of the articles were deducted from the payment that was to be made to the petitioners, as would be evident from a copy of the document appended at page 107.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that the quality of coal supplied by the petitioners were below par. In fact, they did not transport the entire quantity of coal that was to be transported. E-mails exchanged between the parties would only make out their culpability.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. However, the petitioners complied with the notices sent pursuant to direction passed by this Court.

Considering the nature of allegations and the disputes, which have a predominantly civil flavor and the fact that the petitioners had co-operated with investigation, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

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 the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973

corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioners shall not threaten or intimidate witnesses and shall co-operate with investigation. The petitioners shall meet the I.O. as and when required.

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

(Jay Sengupta, J.)