

15.05.2025
Court No.28
Item No.23
tbsr
Allowed

CRM (A) 1559 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bowbazar** P.S. Case No.27 of 2025 dated **05.02.2025** under Sections **61(2)/318(4)/316(2)/351(3)/352** of the Bharatiya Nyaya Sanhita, 2024.

And

In the matter of: **Joydeep Dey**

....Petitioner.

Mr. Sabyasachi Banerjee, Id. Sr. Adv.
Ms. Diksha Ghosh
Mr. Abhishek Mukherjee
...for the petitioner.

Ms. Faria Hossain, Id. APP
Ms. Suveni Banerjee
.....for the State.

Mr. Sukanta Chakraborty
Mr. Anindya Halder
Mr. Roumyadip Saha
....for the de facto complainant

Learned senior counsel appearing on behalf of the petitioner submits as follows. The de facto complainant is the dealer of computer and other electronic equipments while the petitioner has been acting as sub-dealer since December, 2023. The total transactions amounted to about Rs. 1.62 crores, out of this Rs. 76 lakhs have already been repaid. In this particular case, the dealer actually had been repurchasing some products from the sub-dealer. On such account, Rs. 31 lakhs has remained unpaid. There is clear commercial dispute between the private parties. No *prima facie* case is made out against the petitioner as would be evident from a plain reading of the First Information Report. The petitioner has complied

with the notice issued by the Investigating Agency under Section 35(3) of the BNSS.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that the first transaction took place in March, 2024 and all these are part of the same series of transactions.

Learned counsel appearing on behalf of the State relies on the case diary and materials contained therein. She submits that on the first two occasions the petitioner did not respond the notices. On the third occasion, he did. However, in the fourth occasion he prayed for time on the ground that he was to move this Court.

Considering the nature of allegations, the fact that there is a civil flavor in the allegations levelled and the fact that the petitioner has complied with notice given by the investigating agency, I do not think that custodial interrogation of the petitioner is not required in this case.

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 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 condition that the petitioner shall not threaten or intimidate witnesses and shall co-operate with investigation and shall meet the I.O. once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)