

19/05/2025

D/L 33
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1556 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Park Street police Station case no. 224 of 2024 dated 7.12.2024 under sections 316(2)/318/61(2) of the BNS.

In the matter of: Sanjay Mimani

... Petitioner

Mr. Ayan Bhattacharya, Sr. Adv.
Mr. A. Choudhury
Mr. Anil Choudhury

...for the petitioner.

Mr. Tanmoy Chattopadhyay

...for the de-facto complainant.

Mr. Madhusudan Sur
Mr. Mujibar Ali Naskar

...for the State.

1. It appears that an inadvertent error had crept into the order dated 13.5.2025. The names of Mr. Aryut Chowdhury and Mr. Md. Shah Mujajuddin were wrongly recorded as the names of advocates for the State. On that date, Mr. Madhusudan Sur and Mr. Mujibar Ali Naskar represented the State while Mr. Tanmoy Chattopadhyay represented the de-facto complainant. The above referred inadvertent typographical errors shall be deemed to have been corrected and the order dated 13.5.2025 shall always be conjoined with the same.
2. Learned senior counsel appearing on behalf of the petitioner submits as follows. The allegations are purely civil in nature. Since 2013 there has been continuous business transaction between the private parties to the

tune of nearby Rs.3 Crores. It has now been alleged that there is an under payment of about Rs.19 Lakhs and odd. There is a bona fide dispute regarding such claim. The petitioner has also met the Investigating Officer pursuant to a notice given under Section 35(3) of the BNSS. No civil suit has been filed for recovery of the sum.

3. Learned counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail and submits as follows. It was during such continuous business transaction that the accused had managed to obtain the trust and faith of the de-facto complainant and thereafter, cheated them of such sum.
4. Learned counsel appearing for the State opposes the prayer for anticipatory bail and he refers to the case diary and submits that a prima facie case is made out and the petitioner did not respond to the notices to the satisfaction of the Investigating Officer. He promised to produce certain documents, but thereafter did not appear.
5. Considering the nature of allegations and the strong civil flavour in the same, I do not think that custodial interrogation of the petitioner is required in this case.
6. In the event of arrest, the petitioner 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 further conditions that the petitioner shall

cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioner shall meet the I.O once a fortnight till submission of report in final form.

7. Accordingly, the application for anticipatory bail is allowed.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)