

01.07.2025
SL.46
Ct.No.28
NB

CRM (A) 1832 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 Kharagpur (Town) P.S. Case No.49 of 2025 dated 23.01.2025 under Sections 316(2)/318(4)/351(3) of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Additional Chief Judicial Magistrate, Kharagpur, Paschim Medinipur.

And

In the matter of: Amalendu Paria

.... petitioner

Mr. Sourav Chatterjee,
Mr. Soumya Nag.
...for the petitioner.

Mr. Arindam Sen,
Mr. Dipankar Paramanick.
...for the State.

Mr. Debasish Basu,
Mr. Sukanta Das.
...for the de facto complainant.

Learned senior counsel representing the petitioner submits as follows. The petitioner is a contractor whom the de facto complainant had entrusted to do certain work. Now it is been alleged that the work was not done to the satisfaction of the de facto complainant. There is an admitted part performance of work and part payment. The petitioner went to comply with the notice issued by the police, but was not allowed to meet the Officer. This was duly communicated by the petitioner to the authorities.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that although Rs.58,00,000/- was given for the work to be completed, the work was done at best worth Rs.22,00,000/-. The

accused had, however, sent an email to the de facto complainant on 01st February, 2025 assuring that he would pay the balance amount and thus, admitted dues. Copy of the email as handed over is kept with the record.

Submission advanced on behalf of the de facto complainant in this regard is denied on behalf of the petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

Considering the nature of allegations and the fact that some portion of the work was admittedly completed, I do not think that custodial interrogation of the petitioner is required in this case

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 he shall meet the Investigating Officer once a fortnight till submission of report in final form, cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM (A) 1832 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.)

