

June 19, 2025

297 ARDR

(Allowed)

CRM (A) 1959 of 2025

In Re : An Application under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Bauria** Police Station Case No. **103** of **2025** dated **1st June, 2025** under Sections **318(4)/316(2)/351(2)** of the BNS, 2023.

And

In Re : Dilip Kumar Jana

... Petitioner.

Adv. Niladri Sekhar Ghosh,
Adv. Labani Sikder,
Adv. Souvik Dey,

... for the petitioners.

Adv. Rudradipta Nandy,
Adv. Dhanashree Biswas,

... for the State.

Heard learned counsels for the parties.

The complainant sold a machine to the petitioner for a consideration of Rs.23,80,000/-. The petitioner paid an amount of Rs.9,37,724/- at the time of issuance of offer letter and a further sum of Rs.5 lakhs on 9th October, 2024. Despite assurance by the complainant, the machine was not successfully installed though it was delivered on 25th September, 2024. Due to mal functioning of the machine and failure of the complainant to respond to the communications of the petitioner, the petitioner cancelled the purchase order and requested the complainant to refund the part consideration paid by him. Under such circumstances, the complaint was lodged.

Learned counsel for the petitioner submits that reconciliation between the parties failed and the matter is pending before MSME for arbitration. The petitioner undertakes to return the machine to the complainant upon refund of the part consideration by the complainant.

Upon consideration of the material on record, this Court is of the view that custodial interrogation of the petitioner is not required and he may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioner namely **Dilip Kumar Jana** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions laid down under Section 482(2) of the BNSS. The petitioner shall appear before the learned jurisdictional Court and pray for regular bail within two weeks from date.

The application for anticipatory bail is disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)