

03.11.2025
Sl. No.19
Ct. 28
NB

CRM (A) 2903 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 English Bazar PS Case No.1704/2024 dated 19.11.2024 under Sections 406/420 of the Indian Penal Code.

And

In the matter of: Dinesh Kumar Agarwal @ Dinesh Kr. Agarwal
... petitioner

Mr. Brajesh Jha,
Ms. Anushka Ghosh.
...for the petitioner.

Mr. Bibaswan Bhattacharya,
Mr. Asraf Mondal.
...for the State.

Report filed on behalf of the State is taken on record.

It appears that pursuant to a direction passed by this Court, notices were given by the Investigating Officer to the petitioner to appear before the concerned Officer for examination and the same were complied with. The petitioner met the Investigation Officer on 27.09.2025, 25.10.2025 and has again been asked to appear on another date in November, 2025.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has a continuous business transaction with the de facto complainant since 2019. In 2024, the de facto complainant filed the instant FIR alleging that in 2021, he had given a sum of money to the accused for supply of materials. But, neither was the supply made nor was the money returned. The delay in making the FIR has not been explained. Actually, there is question of settlement of accounts.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that a prima facie case is made out against the present petitioner. However, pursuant to the direction passed by this Court, the petitioner has complied with the direction to appear.

Considering the nature of allegations and the fact that there is a delay of about three years in lodging the FIR and the fact that the petitioner has cooperated with the investigation by meeting the Investigating Officer, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the present petitioner.

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

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

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.)

