

02.01.2025

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Allowed

C.R.M. (A) No. 4681 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Burrabazar Police Station Case No. 161 of 2024 dated 22.08.2024 under Sections 420/406 of the Indian Penal Code.

And

In Re : Shri Sachin Patil petitioner

Mr. Akash Ganguly
Mr. Najimul Hoque Choudhury
.....for the petitioner

Mrs. Shaila Afrin
Mr. S. S. Saha
....for the State

1. Learned Counsel for the petitioner submits money was allegedly transferred in 2021 and there is no dishonest representation at the time of alleged transaction. Accordingly, he prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioner had taken a sum of Rs.27,00,000/- on the false promise of giving 1 kg. gold bar. Thereafter he gave undertaking to refund the money. He has not co-operated with investigation.

3. We have considered the materials on record. A sum of Rs.27,00,000/- is alleged to have been transferred to the *de facto* complainant in 2021. It is alleged the transfer was made on the false promise that the petitioner would hand over 1 kg. gold bar. No contemporaneous document in support of this

allegation is placed on record. Subsequent undertaking and/or agreement do not constitute dishonest representation prior or at the time when the transaction took place. Criminal proceeding cannot be utilized for recovery of outstanding dues. Hence, we are inclined to grant anticipatory bail to the petitioner, however, subject to conditions.

4. Accordingly, we direct that 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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on conditions that he shall meet the investigating officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Shampa Dutt (Paul), J.)

(Joymalya Bagchi, J.)