

21.11.2025
Item no.7(DL)
Court No.3
srm
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (A) 666 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 & Section 482 of the BNSS, 2023 in connection with Matigara P.S. Case No.509 of 2025 dated 08.08.2025 under Sections 316(2)/318(4)/61(2) of the Indian Penal Code.

In the matter of : **Ujjal Chaki & Anr.**

... Petitioners.

Mr. Sayan Banerjee,
Ms. Rishita Chakraborty

...for the Petitioners.

Mr. Aditi Sankar Chakraborty, APP
Mr. Kallol Acharjee,
Mr. Kallol Nag

.....for the State.

1. State files status report which is taken on record.
2. Learned Advocate for the petitioners submit that the complainant had entered into an agreement with the petitioners, who are the developers, for construction of a dwelling house. Post-dated cheques were issued by the complainant in favour of the petitioners. The complainant alleges that the work of roof top has not been constructed as yet by the petitioners. The petitioners have presented the cheques issued by the complainant before their bank which was returned with endorsement "*Fund insufficient*". Notice under the NI Act has also been issued to the

complainant on behalf of the petitioners. The dispute is entirely civil in nature which has been given a criminal colour. Though, the petitioners are willing to cooperate with the investigation, but due to highhandedness of the investigating agency they could not join the investigation. Being constrained by the action of the investigating agency the petitioners approached the Hon'ble Court by filing writ petition being WPA 2195 of 2025 seeking for a direction to join investigation. The said writ petition was disposed of on 6th November, 2025, granting liberty to the petitioners to approach this Court. He seeks for grant of anticipatory bail in favour of the petitioners.

3. Learned Advocate for the State opposing such prayer submit that the petitioners are involved in similar fraudulent activities and several cases have been filed against them. Section 111 of Bharatiya Nyaya Sanhita, 2023 has also been added by the order of the learned Trial Court. The petitioners have not cooperated with the investigation. He seeks for dismissal of the application for grant of anticipatory bail.
4. Perused the case diary and the materials on record.
5. There cannot be any quarrel that for development of a dwelling house of the complainant an agreement was entered into by and between the parties. There have been some financial transactions for execution of the work, upon agreement of the parties. The allegations, as made

out, arise in relation to a contractual agreement. Considering the same, I am inclined to allow the prayer of the petitioners for anticipatory bail.

6. Accordingly, in the event of arrest, the petitioner No.1, namely **Ujjal Chaki** and the petitioner No.2, namely **Suvhro Chaki** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall meet the Investigating Officer of the concerned police station once in a fortnight until further orders. The petitioners are directed to join investigation and cooperate with the Investigating Officer.
7. This application for anticipatory bail is, thus, allowed.
8. **CRM (A) 666 of 2025** stands disposed of.

(Bivas Pattanayak, J.)