

04.09.2024
AD-08
Court No. 29
TN
(Allowed)

CRM (A) 2882 of 2024

In Re:- An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kalyani Police Station Case No.594 of 2024 dated 30.07.2024 under Sections 316(2)/318(4) of the BNS, 2023.

And

In the matter of: **Raj Kumar Ghosh @ Raju**

.... petitioner

Mr. Shibaji Kr. Das,
Mr. Dipyendu Sarkar,
Ms. Deblina De,
Mr. Rehan Ansari,
Ms. Eshita Sardar

....for the petitioner

Mr. Saibal Bapuli, Ld. APP,
Ms. Sujata Das

....for the State

1. The learned counsel for the petitioner submits that on the basis of an alleged fabricated agreement, a false complaint has been made. It is further submitted that the petitioner has never entered into any agreement with the *de facto* complainant. Moreover, he has complied with the notice under Section 35(3) of the BNSS, 2023.
2. Mr. Saibal Bapuli, Ld. APP appearing on behalf of the State has produced the case diary and has submitted that the petitioner has cooperated with the investigation and the amount of Rs.15 lakh has been frozen.
3. Considering the materials available in the case diary and the agreement produced along with the case diary appears to be unsigned and having regard to the fact that the petitioner has cooperated with the investigation and his bank accounts

to the extent of Rs.15 lakh has been frozen, we are of the view that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Raj Kumar Ghosh @ Raju** shall be released on bail upon furnishing a bond of Rs.20,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023.
5. The petitioner shall meet the Investigating Officer once in a week till submission of the final report.
6. It is further directed that the present accused petitioner shall appear before the learned Additional Chief Judicial Magistrate, Kalyani, District-Nadia within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)