

09.12.2024

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Allowed

C.R.M. (A) No. 4178 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Pandua Police Station Case No. 685 of 2024 dated 31.10.2024 under Sections 115(2)/117(2)/351(2)/352/318(4)/316(2) of the BNS.

And

In Re : Siraj Lutfar Rahaman & Anr. petitioners

Mr. Niladri Sekhar Ghosh
Sk. Nizamuddin
Ms. Barnali Gupta

.....for the petitioners

Ms. Zareen N. Khan
Mr. Soumya Basu Roy Chowdhury
....for the State

1. Learned Counsel for the petitioners submits dispute is civil in nature and part payment had been made. Accordingly they pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. We have considered the materials on record. Allegations in the FIR disclose petitioners had purchased land and had made part payment. In view of nature of allegations we are of the opinion dispute is essentially civil in nature. Hence, we are inclined to grant anticipatory bail to the petitioners.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of

whom must be local, 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 condition that they 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)