

12.12.2024
42
as
[ALLOWED]

C. R. M. (A) 4348 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Topsia Police Station Case No. 114 of 2024 dated 23.08.2024 under Sections 303(2)/329(4)/61 of the BNS 2023.

In Re: ***Ashis Kumar Dutta.***

... ... Petitioner

Mr. Ayan Bhattacharyya, Ld. Sr. Adv.,
Mr. Moyukh Mukherjee,
Ms. Sagnika Banerjee,
Mr. Sarthak Mondal,
Mr. Souvik Palodhi.

... ... for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.,
Mr. Karan Bapuli.

... ... for the State

Mr. Aniket Mitra,
Mr. Haradhan Mondal.

...for the de-facto complainant.

1. Petitioner submits there is a landlord and tenant dispute between the parties. He is in possession of the property. Allegation of theft is out and out false. Accordingly, he prays for anticipatory bail.

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

3. Learned Advocate for the de-facto complainant submits they are in possession of the tenanted premises. Petitioner and his associates committed theft in the tenanted premises and stole away valuable equipments.

4. We have considered the materials on record. There is a landlord and tenant dispute between the parties. While

petitioner contends tenancy had been surrendered and he is in possession, de-facto complainant asserts they continue to be in possession of the tenanted premises. This issue may be thrashed out before the appropriate forum in accordance with law. Allegation of theft appears to be an offshoot of the civil dispute between the parties.

5. Under such circumstances, we are of the opinion custodial interrogation may not be necessary but petitioner requires to co-operate with the investigation as per law

6. Accordingly, we direct that in the event of arrest, the petitioner 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 subject to the conditions as laid down under Section 482(2) of the BNSS and on further condition petitioner while on bail 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 four weeks from date.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)