

12.12.2024
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as
[ALLOWED]

C. R. M. (A) 4353 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burrabazar Police Station Case No. 225 of 2024 dated 01.11.2024 under Sections 3(5)/329(4)/62/115(2)/305(a) of BNS 2023.

In Re: **Manish Saksena.**

... .. Petitioner

Mr. Abir Chowdhury.
... .. for the petitioner

Mr. Prasun Kr. Dutta,
Mr. Ashok Das.
... .. for the State

Mrs. Shaila Afrin,
Ms. Rafat Jahan,
Mr. Simbul Sardar.
...for the de-facto complainant

1. Petitioner submits there is a civil dispute between the parties. He has been falsely implicated in the case. 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 petitioner is seeking to dispossess them from the premises. He has criminal antecedent.
4. We have considered the materials on record. Petitioner and the de-facto complainant are co-sharers of the premises. It is alleged petitioner is trying to dispossess the de-facto complainant from the premises. It is open to the de-facto

complainant to protect his possessory rights in the property against wrongful acts before the appropriate forum.

5. However, in view of the nature of dispute, we are of the opinion petitioner may be granted anticipatory bail.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., **Manish Saksena** 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. 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.)