

19.12.2024
tkm/ct 28
sl no. 75

C.R.M. (A) 4476 of 2024

In Re : An application for anticipatory bail under section 482 of BNSS 2023 in connection with Tangra P.S Case no. 149 of 2024 dated 4.11.2024 under sections 318(4)/316(2)/61(2) of BNS 2023
and

Allowed

In Re : Bapi Mondal & Anr. petitioners

Ms. Manisha Ghosh
..... for the petitioners

Mr. Ranadeb Sengupta
Mr. Dipankar Mahata
..... for the State

Ms. Kum Kum Dutta
..... for the de facto (in person)

1. Petitioners contend a loan was advanced against mortgage.
Loan has been partly paid. Ingredients of cheating or criminal breach of trust are lacking. They pray for anticipatory bail.
2. Learned lawyer for the State opposes the prayer.
3. De facto complainant appears in person. She submits petitioner admitted the dues and is refusing to pay the amount.
4. We have considered the materials on record. Loan was advanced by creating mortgage against immovable property. It is open to the de facto complainant to exercise her rights against the mortgaged property. Part payment has already been made.
5. Under such circumstances we are of the opinion custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail.
6. 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, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 482(2) of BNSS 2023 and on further condition that petitioner no. 1 shall meet the investigating officer once in a week until further orders.

7. Petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.
8. The application being CRM (A) 4476 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)