

22.08.2024
Court No.1
SL No.18
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(A) 645 of 2024

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kotwali** P.S. Case No. **970 of 2021** dated **04.10.2021** under Sections **406/420/120B** of the Indian Penal Code.

And

In the matter of: **Sri Sajal Sarkar**

....Petitioner.

Mr. Subham Ghosh,
Mr. Mayank Roy

...for the petitioner.

Mr. Nilay Chakraborty,
Mr. Sourav Ganguly,
Mr. Sanjiv Das

...for the State.

1. The application for anticipatory bail is made on the ground that the subject matter of the FIR is primarily civil in nature and the co-accused persons are on bail.
2. It appears that the petitioner, who is a member of local truck association is stated to have sold a portion of the land of the association to a third party illegally. A Civil suit is pending in this regard. The genesis of the offence therefore is in a civil dispute.
3. Learned counsel for the State opposes the prayer for anticipatory bail.
4. In the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

5. In the event of arrest, the petitioner 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 be 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 and on further conditions that the petitioner shall cooperate with the investigation and meet the I.O. as and when required.
6. In the event the petitioner fails to comply with the aforesaid conditions as enshrined hereinabove, the bail of the petitioner shall automatically stand cancelled without any further reference to this Court.
7. The application for anticipatory bail is, thus, disposed of.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)