

03.01.2025
22.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 3 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kalyani Police Station Case No. 1022/2024 dated 13.12.2024 under Sections 329(4)/115(2)/232/3(5) of the BNS.

And

In Re: **Biren Kumar Sarkar and Ors.**

..... Petitioners

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal,
Mr. Souvik Dey.

... ... for the petitioners

Mr. Sandip Chakraborty,
Mr. Subhasish Datta.

... ... for the State

1. Petitioners contend there is dispute amongst family members. Petitioners had been granted pre-arrest bail in the earlier case being Kalyani P.S. Case No. 791 of 2024 dated 30.09.2024. Thereafter, they have been falsely implicated in the instant case. Accordingly, they pray for anticipatory bail.

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

3. We have considered the materials on record. Dispute arose between parties. Alleging forgery of a building plan, a criminal case was registered being Kalyani P.S. Case No. 791 of 2024 dated 30.09.2024. Petitioners had been granted anticipatory bail in the said case. Presently, it is alleged petitioners had assaulted the *de facto* complainant and his

associates. Possibility of false implication owing to prior enmity cannot be ruled out.

4. Under such circumstances, we are of the opinion though custodial interrogation is not necessary, petitioners require to cooperate with investigation.

5. Accordingly, we direct that in the event of arrest, the petitioners viz., **(1) Biren Kumar Sarkar, (2) Tapas Sarkar and (3) Tapan Kr. Sarkar** 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition petitioners while on bail shall meet the investigating officer once in a week until further orders. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

[Shampa Dutt (Paul), J.]

[Joymalya Bagchi, J.]