

16.01.2025
12.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 20 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Durgapur Police Station Case No. 622 of 2024 dated 24.11.2024 under Sections 420/406/417/468/471/506/120B/34 of IPC.

And

In Re: **Subrata Mitra and Anr.**

... .. Petitioners

Mr. Samrat Choudhury,
Mr. Anit Dey,
Mr. Abhijit Banerjee,
Mrs. S. Mitra.

.... for the petitioners

Mr. Rudradipta Nandy, Id. A.P.P.
Ms. Sanjana Saha.

.... for the State

1. Learned Additional Public Prosecutor submits report. He seeks time to take further instruction in the matter.
2. Heard learned Advocates for the parties.
3. We have considered the materials on record. Petitioners' Counsel placed on record order passed by an Hon'ble Single Judge of this Court in *WPA 18120 of 2024* wherein writ petition of the victim-writ petitioner was, inter alia, dismissed on the ground that she had falsely alleged the institution was not affiliated to West Bengal Nursing Council. The said order has not been assailed by either of the parties. Under such circumstances, we hold there are prima facie materials that petitioners' institution is affiliated to West Bengal Nursing Council and there was no deception practiced on that score. Victim-writ petitioner's allegation that the institution did not give

her refund after she had withdrawn from the course has to be assessed in light of the relevant rules and, even if believed, would at its height constitute breach of contractual obligations which would not call for custodial interrogation.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the petitioners viz., **(1) Subrata Mitra** and **(2) Sanghita Gorai**, 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. 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)