

07.01.2025

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Allowed

C.R.M. (A) No. 40 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Sinthi Police Station Case No. 93 of 2024 dated 28.11.2024 under Sections 316(2)/318(3)/61(2) of the Bharatiya Nyaya Sanhita.

And

In Re : Tapas Paul & Anr. petitioners

Mr. Sarwar Jahan
Mr. Sayantan Hazra

.....for the petitioners

Mr. Saryati Datta
Mr. Rajashree Tah

....for the State

1. Learned Counsel for the petitioners submits one of the co-accused is related to the complainant-jeweller. Due to a family dispute the said accused and the petitioners who are his friends have been falsely implicated. They have co-operated with investigation. They pray for anticipatory bail.

2. Learned Counsel for the State produces the case diary.

3. We have considered the materials on record. In the FIR complainant alleged he is a jeweller based in New Delhi. He handed over gold to petitioner no. 1 and co-accused Anjan Maji at his office. Mobile tower locations of the petitioner no. 1's mobile phone shows he was not present at the office of the complainant at that time. In light of the aforesaid exonerative

material collected during investigation we are of the opinion custodial interrogation is not necessary and petitioners may be granted anticipatory bail.

4. 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 be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that they shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)