

17.02.2025
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as
[ALLOWED]

C. R. M. (A) 331 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Singur Police Station Case No. 190 of 2024 dated 03.05.2024 under Sections 420/406 of the Indian Penal Code.

In Re: Sri Kumar Sekh.

... ... Petitioner

Mr. Sayan Chattopadhyay.

... ... for the Petitioner

Mr. Ranadeb Sengupta,

Mr. Dipankar Paramanick.

... ... for the State

1. Petitioner contends he had taken a loan from the de-facto complainant. De-facto complainant called upon him to repay the loan and a declaration was executed. In order to clothe the dispute with a criminal profile it is alleged in the FIR petitioner had taken money on the false promise of giving employment.

2. In light of the aforesaid submission, investigating agency was directed to submit report. Report is placed on record.

3. In the report de-facto complainant alleges though Rs.12 lakhs was taken as bribe for employment, a sum of Rs.1,70,000/- was advanced as loan. Subsequently, declaration was forcibly executed by the petitioner.

4. We have considered the materials on record. In the First Information Report, de-facto complainant alleged the entire sum had been given as bribe for securing employment. However, subsequent declaration executed by the petitioner described the transaction as a loan. Investigating Officer has submitted report wherein the de-facto complainant has taken another stance viz., Rs.12 lakhs was given as bribe and Rs.1,70,000/- as loan. The

apportionment of the money advanced in the aforesaid manner is most unnatural and de-facto complainant requires to probabalise his case at the appropriate stage of the proceeding.

5. It is also difficult for us to believe that the debtor i.e. petitioner would be in a better bargaining position to execute the declaration claiming the transaction to be loan as alleged.

6. In light of the aforesaid circumstances, we find much force in the submission of the petitioner that the allegation in the FIR that the money was paid to the petitioner as bribe may have been concocted in order to give a criminal profile.

7. In light of the aforesaid discussion, we are of the opinion though custodial interrogation of the petitioner is not necessary but petitioner requires to cooperate with the investigation.

8. Accordingly, we direct that in the event of arrest, the petitioner viz., **Sri Kumar Sekh** be released on bail upon furnishing a bond of Rs.10,000/-, 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 BNSS and on further condition petitioner while on bail shall meet the Investigating Officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Partha Sarathi Sen , J.)

(Joymalya Bagchi, J.)

