

07.02.2025
Sl. No.13
akd
[ALLOWED]

C. R. M. (A) 365 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 29.01.2025 in connection with Khanakul Police Station Case No.159 of 2024 dated 08.04.2024 under Sections 420/406 of the Indian Penal Code. (G.R. Case No.612 of 2024)

And

In Re: ***Swapan Kumar Sau***

... .. Petitioner

Mr. Kallol Mondal .. Sr. Advocate
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee
Mr. Akbar Laskar

... .. for the petitioner

Mr. Aritra Bhattacharya
Mr. Smartajit Sarkar
Ms. Ritu Das
Mr. D. Mukherjee

... .. for the de-facto complainant

Mr. Joydeep Roy .. Jr. Govt. Advocate
Ms. Sima Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that he and the de-facto complainant are cousins. There is a long standing family dispute. Several civil and criminal cases have been registered. Priority household ration card had been surrendered in 2020. Subsequently, petitioner has been falsely implicated in the instant case. Accordingly, he prays for anticipatory bail.
2. Learned Advocates for the State as well as the de-facto complainant oppose the prayer for anticipatory bail. They submit petitioner was not entitled to priority household ration card and had illegally utilized the same till it was deactivated.

3. We have considered the materials on record. Petitioner and the de-facto complainant are relations. There is a long standing dispute between them. A number of civil and criminal cases are pending. No complaint from the appropriate authority was lodged with regard to misuse of priority household ration card by the petitioner. It is admitted the said ration card has been deactivated. In view of the aforesaid facts, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary and he may be granted anticipatory bail.

4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Swapan Kumar Sau**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 that the petitioner shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)