

12.02.2025

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Allowed

C.R.M. (A) No. 474 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Bongaon Police Station Case No. 828 of 2024 dated 05.09.2024 under Sections 329(2)/308(2)/308(3)/351(2)/3(5) of the Bharatiya Nyaya Sanhita.

And

In Re : Asim Das @ Ashim Das & Ors. petitioners

Mr. Angshuman Chakraborty
Mr. Santanu Maji
Mr. S. S. Saha

.....for the petitioners

Ms. Sayanti Santra
Ms. Ankita Paul

....for the State

Mr. Animesh Paul
Mr. Chandan Mondal

.... for de facto complainant

1. Learned Counsel for the petitioners submits they had purchased adjoining property from the *de facto* complainant in 2011. Though incident occurred on 12th August, 2024 FIR came to be lodged on 5th September, 2024. There is no explanation with regard to delay. They pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioners had illegally trespassed into the cinema hall, threatening the viewers and closed the hall.

3. Learned Counsel for the *de facto* complainant submits he had lodged an earlier complaint which had not been acted upon.

2. We have considered the materials on record. Petitioners had purchased an adjoining property. It is contended there is a property dispute between the parties. Be that as it may, incident occurred on 12th August, 2024 but FIR came to be lodged on 5th September, 2024. No document is placed on record to show a contemporaneous complaint was filed before the concerned parties. Custodial interrogation for progress of investigation is not necessary but petitioners require to co-operate with investigation in order to prevent commission of similar activities. Under such circumstances we are inclined to grant anticipatory bail to the petitioners.

3. 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 further condition that they 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 a period of four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)