

25.02.2025
17.
Ct. No. 28
SG
[Partly
Allowed]

C. R. M. (A) 537 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tehatta Police Station Case No. 638 of 2024 dated 03.09.2024 under Sections 117(2)/316(2)/318(4)/351(2)/3(5) of BNS.

And

In Re: **Mir Kashem Molla @ Mir Kasem Molla and Ors.**

... .. Petitioners

Mr. Soumojit Das Mahapatra,
Mr. Abdul Aziz Mondal.

..... for the petitioners

Mr. Debasish Roy,
Ms. Faria Hossain.

..... for the State

1. Petitioners submits uncontroverted allegations in the FIR do not disclose ingredients of alleged offences. *De facto* complainant alleges a year ago they had sold jute to petitioner no. 4 who failed and/or neglected to pay on 1st September, 2024. When *de facto* complainant went to demand money he was assaulted by all the petitioners. Accordingly, they pray for anticipatory bail.

2. Learned Public Prosecutor contends petitioners have criminal antecedents. He submits a report.

3. We have considered the materials on record. The report states as follows:-

Accused Name	P.S. Case
Petitioner no. 1 (Mir Kashem Molla @ Mir Kasem Molla)	a) Tehatta P.S. Case No. 673/23 [On bail]
Petitioner no. 2 (Minjarul Molla)	a) Tehatta P.S. Case No. 673/23 [On Bail]

	b) Tehatta P.S. Case No. 481/24 c) Chapra P.S. Case No. 780/24 d) Cyber P.S. (Kolkata) Case No. 138/2024
Petitioner no. 3 (Anjarul Molla)	a) Tehatta P.S. Case No. 673/23 [On Bail]
Petitioner no. 4 (Alamgir Molla)	a) Tehatta P.S. Case No. 673/23 b) Chapra P.S. Case No. 780/24 [Anticipatory Bail Pending] c) Cyber P.S. (Kolkata) Case No. 138/2024

4. We have considered the aforesaid materials. Petitioner nos. 1 and 3 have been implicated only in a case of assault registered in August, 2023. The said case does not have similar criminal profile as the present one. Moreover, there is no allegation petitioner nos. 1 and 3 were involved in making dishonest representation to the *de facto* complainant to deliver justice to petitioner no. 4.

5. Under such circumstances, we are inclined to grant anticipatory bail to petitioner nos. 1 and 3.

6. However, petitioner nos. 2 and 4 have similar criminal antecedents. Petitioner no. 2 is implicated in cheating as well as cyber fraud cases. Similarly, petitioner no. 4 is also involved in such cases. Present case has similar profile showing dishonest inducement and cheating. Custodial interrogation of petitioner nos. 2 and 4 is necessary to unravel the ramifications of the crime and may disclose organized crime activity by the gang.

7. Under such circumstances, we are not inclined to grant anticipatory bail to petitioner nos. 2 and 4.

8. Accordingly, we direct that in the event of arrest, the petitioner nos. 1 and 3 viz., **(1) Mir Kashem Molla @ Mir Kasem Molla** and **(3) Anjarul Molla** 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)