

27.03.2025
Court No.13
Item No.2
AP

CRM (A) 854 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with **Burdwan Sadar** P.S. Case No. **101 of 2025** dated **28.01.2025** under Sections **316(4)/338/336(3)/340(2)/351(2)/3(5)** of the Bharatiya Nyaya Sanhita.

And

In the matter of: **Kazi Anish and Anr.**

....Applicants/Petitioners.

Mr. Uday Sankar Chattopadhyay

Ms. Rajashree Tah

Ms. Trisha Rakshit

Ms. Aishwarya Datta

Ms. Bidisha Chakraborty

Ms. Progati Brahma

...for the petitioners.

Mr. Bibaswan Bhattacharya

Mr. Soumadip Saha

...for the State.

Mr. Mrityunjoy Chatterjee

...for the de facto complainant.

1. The application for anticipatory bail is made on the ground that the disputes between the parties are purely civil in nature.

2. It is submitted by the learned counsel for the applicants/petitioners that two cases being CRM (A) 853 of 2025 and CRM (A) 854 of 2025 were registered in respect of the same offense.

3. The de facto complainant has alleged that the applicants/petitioners have removed title deeds in respect of immovable property from his custody and converted the same for their use and benefit.

4. An alleged mortgaged deed is relied upon by the applicants/petitioners to indicate that the title deeds were deposited

by the de facto complainant to secure a loan obtained from the applicants/petitioners.

5. It appears from the case diary that the investigation has progressed substantially. The original mortgaged deeds as well as the title deeds of the property have been seized by the Raina Police.

6. Having regard to the facts of the case, this Court is of the view that the custodial interrogation of the applicants/petitioners is not necessary subject to the applicants/petitioners cooperating with the investigating.

7. 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, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further conditions that the petitioners shall cooperate with the investigation and meet the I.O. as and when summoned until completion of the investigation and on further condition that the petitioners shall appear before the court below and pray for regular bail within a fortnight from date of arrest.

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

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)