

20.03.2025
Item No.27
Ct. No. 26
CHC
Allowed

C.R.M.(A) 944 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Khardah** Police Station Case No. **68** of **2025** dated **06.02.2025** under Sections **318(2)/69/351(2)** of the Bhartiya Nyaya Sanhita, 2023, pending before the Learned Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas.
And

In the matter of : Sudeep Santra

..... petitioner

Mr. Swapan Kumar Nandi, Advocate
Mr. Sourav Mondal, Advocate
Ms. Banani Bhattacharya, Advocate
....for the petitioner

Mr. Arindam Sen, Ld. Sr. Govt. Advocate
Mrs. Debjani Sahu, Advocate
....for the State

Mr. Abhimanyu Banerjee, Advocate
Mr. Jaydeep Pal, Advocate
Ms. Priyanka Yadav, Advocate
...for the de facto complainant

1. Learned advocate appearing for the petitioner submits that, the petitioner was not made over the articles as claimed by the de facto complainant. In any event, in order to show his bonafides petitioner is willing to make over a gold chain to the de facto complainant without prejudice to the rights and contentions that such gold chain was not made over to his client.
2. State and the de facto complainant are represented.

3. Learned advocate appearing for the de facto complainant submits that, apart from gold chain, other articles are still with the petitioner.
4. De facto complainant is at liberty to proceed to recover other articles if so advised in accordance with law. Our order should not be construed that we pronounced on issue of the articles finally.
5. Materials in the Case Diary do not demonstrate requirement of placing the petitioner in custody at this stage.
6. The issue as to whether, the petitioner acted in the manner as claimed in the police complaint may be decided at the trial.
7. In such circumstances, we grant anticipatory bail to the petitioner.
8. Accordingly, we direct that in the event of arrest the petitioner shall 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 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 and on further condition that the petitioner shall meet the Investigating Officer once in a month till the conclusion of investigation and on condition that the

petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

9. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Smita Das De, J.)