

02.04.2025
Court No.28
Item No.23
ssi

CRM (A) 1061 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with **Jiaganj** P.S. Case No.**195 of 2024** dated **07.06.2024** under Sections **420/341/325/506/120B/34** of the Indian Penal Code.

And

In the matter of: **Rinku Debnath @ Rinku Das Debnath.**

....Applicant/Petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Mr. Pratip Mukherjee

Mr. Prasanta Kr. Banerjee

Ms. Indrani Nandi

..for the defacto complainant

Mr. Arindam Sen

Mr. Amanul Islam

...for the State.

Learned counsel appearing on behalf of the petitioner submits as follows. It is alleged that the petitioner and her mother had borrowed a sum of Rs. 12 lakhs from the defacto complainant who happened to be their relative, for the treatment of the son of the petitioner for a serious illness. But, they were able to pay back only Rs. 2 lakhs. On these allegations, an FIR has been lodged. It is denied that the petitioner, at all, assaulted the de facto complainant in any way. The learned Session Court granted anticipatory bail to the co-accused mother of the petitioner.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer and submits that in spite of taking Rs. 12 lakhs, the petitioner and the other have not returned the money.

Learned counsel for the State relies on the case diary and, in his usual fairness, submits that there is no medical report available in support of Section 325 of the Indian Penal Code.

In view of the absence of any medical report and considering the nature of allegations, I do not find that custodial interrogation of the petitioner is necessary in this case.

In view of the above, the prayer for anticipatory bail is allowed.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioner shall cooperate with the investigation shall not try to influence the witnesses or threaten them.

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

(Jay Sengupta, J.)