

21.04.2025
Court No.28
Item No.18
ssi

CRM (A) 1067 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with **Kharagpur (Local)** P.S. Case No.**146 of 2025** dated **13.02.2025** under Sections **318 (4)/336(3)/351(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Tarak Bag**

....Applicant/Petitioner.

Mr. Debashis Banerjee
Mr. Rakesh Jana

...for the petitioner.

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha
Mr. Ranabeer Halder

...for the de facto complainant

Mr. Soumik Ganguly
Ms. Sana Naaz

...for the State.

Leave is granted to file supplementary affidavit.

The same as filed in Court is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner belongs to Scheduled Caste community being the Lodha tribe. He filed a Public Interest Litigation before this Court alleging that a Company being the Reshmi Metalics Limited was putting a boundary so as to prevent the community from accessing their burial ground. Upon notice to the other side, the matter was listed for hearing on 13.02.2025. On that very day, the instant FIR was lodged alleging that the petitioner had taken money from the de facto complainant upon a promise to give any job in the said Reshmi Metalics Limited. First, there is an inordinate delay in lodging the

FIR. Secondly, at least since 2022, the de facto complainant had been working in another company. The proceeding has been instituted only to deter the petitioner from pursuing his relief in the Public Interest Litigation.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer and submits that the FIR was lodged upon a direction given by the Magistrate under Section 173 of the BNSS on a day much before the date fixed in the PIL. There are other persons who have been defrauded in similar manner. Moreover, the petitioner is in habit of threatening others for whom he had taken money for giving job that he would in retaliation file a proceeding under the provisions of the Scheduled Caste/ Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned counsel appearing on behalf of the State opposes the prayer and submits that the statements recorded revealed that some other persons were also cheated in similar manner. The appointment letters given were found to be forged.

As the appointment letters in question have already been seized and there is a proceeding instituted by the petitioner before this Court against the company in question, I do not think this matter would require custodial interrogation of the petitioner.

In view thereof, 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 meet the I.O. of the case once a fortnight till submission of report in final form and shall not try to influence the witnesses or threaten them. The petitioner shall attend the jurisdiction Court on dates fixed.

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

(Jay Sengupta, J.)