

22.04.2025
Sl. No.10
Ct. 28
NB

C.R.M. (A) 1112 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Santaldih PS Case No.135 of 2024 dated 12.12.2024 under Sections 316(2)/318(4) of Bharatiya Nyay Sanhita, 2023 arising out of GR Case No.862 of 2024 pending before the learned Additional Chief Judicial Magistrate, Raghunathpur.

And

In the matter of : Mrityunjay Kumar

... petitioner.

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta,
Mr. Arpayan Mukherjee,
Mr. Swakshar Kr. Mondal,
Mr. Himadree Ghosh.
...for the petitioner.

Mr. Anand Keshari,
Mr. Dattatreya Dutta.
...for the State.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was not named in the FIR. The only material available against him is possibly a statement of co-accused, which is not admissible in evidence. A notice was sent to the petitioner by the police. But, he could not comply with the same as the police were demanding money. Pursuant to a direction passed by this Court on 07.04.2025, the petitioner met the Investigation Officer and gave a statement.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits as follows. The prime accused had floated a scheme among the ladies of the locality. She and another accused collected their identity documents, got loans sanctioned and transferred the loan amounts to their own account. Thereafter, some amount of money was transferred to the bank account of the present petitioner and another. That other person complied with the notice of the police and was granted anticipatory bail by the Sessions Judge. However, the present petitioner did not comply with the notice. Pursuant to an order passed by this Court, the petitioner came and gave his statement, but failed to explain the circumstances.

Unfortunately, a report has been submitted by the Investigating Officer without the statement made by the petitioner.

At this stage, learned counsel appearing on behalf of the petitioner submits, upon instructions, that there was a videography of the statement made by the petitioner, but nothing was taken down in writing at least in his presence.

In view of the fact that the petitioner has complied with the direction passed by this Court to meet the Investigating Officer for making a statement and the fact that the similarly circumstanced co-accused was granted anticipatory bail by the Sessions Judge upon compliance to a notice issued by the police, I do not find that custodial interrogation of the petitioner is required in this case.

Accordingly, in the event of arrest, the petitioner 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that he shall meet the Investigating Officer once a fortnight till submission of report in final form, cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM(A) 1112 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)