

02/05/2025

D/L 7

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 1177 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with Central Crime Station/DD case no. 115 of 2024 dated 3.4.2024 under sections 406/420 of the IPC.

In the matter of: Amit Ghosh

... Petitioner

Mr. Samim Ahammed
Mr. Arka Ranjan Bhattachajee
Ms. G. Parvin
Ms. S. Bhattacharjee

...for the petitioner.

Mr. Sanjoy Bardhan
Mr. Manoranjan Mahata

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner has come to know that a criminal case was started against him in the State of Telengana being Crime No. 115 of 2024 at the Central Crime Station/DD, Hyderabad. Earlier, the petitioner's brother had been falsely implicated in a case in the State of Telengana. He was rather unceremoniously detained. A subsequent date was shown as the date of arrest and thereafter, he was brutalised when taken to Police Station. In this context, reliance is placed on a decision of the Hon'ble Apex Court in ***Priya Indoria versus State of Karnataka, reported at (2024) 4 SCC 749***. There it was laid down that an interim anticipatory bail for a outstation case can be granted in appropriate cases.

Among other things, such a prayer may be allowed when there is a reasonable and immediate threat to life, personal liberty and bodily harm in the jurisdiction where the FIR was registered or there is an apprehension of violation of right of liberty or impediments owing to arbitrariness. The petitioner prays for interim anticipatory bail and submits that within a stipulated time he may be permitted to apply for anticipatory bail in the State of Telengana.

2. Learned counsel appearing for the State relies on the report dated 30.4.2025 sent by the Inspector of Police, EOW Team – VII, CCS,DD, Hyderabad, which is taken on record and submits as follows. The petitioner is an accused in the case in question. He did not even respond to the notice issued under Section 41A of the Code. However, as charge-sheet was submitted and the case was under trial before the concerned Magistrate. The Investigating Agency was not contemplating taking any coercive steps against the petitioner.
3. It cannot be said that since the petitioner's brother allegedly had a difficult experience in respect of a case in the State of Telengana that the petitioner would also face the same situation.
4. However, in view of the submissions advanced on behalf of the Investigating Agency that they were not contemplating taking any coercive measure against the petitioner at present as the charge-sheet has been

submitted, I am inclined to grant interim anticipatory bail to the petitioner for a period of four weeks from date.

5. In the event of arrest within the stipulated period of four weeks from date, 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 the Arresting Officer.
6. The petitioner shall be at liberty to seek appropriate relief in the State of Telengana in the meantime.
7. Accordingly, the application for interim anticipatory bail is allowed.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)