

16.04.2025
Court No.28
Item No.19
ssi

CRM (A) 1190 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with **Ekbalpore** P.S. Case No.**454 of 2024** dated **11.12.2024** under Sections **329 (4)/305/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Anjan Kumar Das & another.**

....Applicants/Petitioners.

Mr. Karan Dudhwewala
Mr. Joydeep Mishra

...for the petitioners.

Mr. Kaushik Kundu
Ms. Sanjida Sultana

...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the septuagenarian landlords of the present tenant at the premises in question. The defacto complainant is an erstwhile tenant. It is alleged that on 05.12.2024, the defacto complainant came to the said premises and found that the third accused was staying at the said place. However, he lodged an FIR only on 11.12.2024. By that time, i.e., on 10.12.2024, the third accused had filed a civil suit against the defacto complainant and obtained an injunction. In fact, the third accused was granted anticipatory bail by a Division Bench of this Court on 05.02.2025 in CRM (A) 240 of 2025.

Learned counsel appearing on behalf of the State opposes the prayer and relies on the case diary. Charge sheet has been submitted.

In view of the fact that there is a tenancy dispute between the defacto complainant and another accused and the said co-accused

had been granted anticipatory bail by this Court and considering the fact that the charge sheet has already been submitted, I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners 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 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 petitioners shall not try to influence the witnesses or threaten them.

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

(Jay Sengupta, J.)