

06.05.2025
SL.12
Ct.No.28
NB

CRM (A) 1303 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 Murarai P.S. Case No.216 of 2024 dated 23.12.2024 under Sections 316(2)/318(4) of the Bharatiya Nyaya Sanhita, 2023 pending before the learned Additional Chief Judicial Magistrate at Rampurhat, Birbhum.

And

In the matter of: Sitansu Mandal

.... Petitioner

Mr. Moyukh Mukherjee,
Mr. Abhijit Singh,
Ms. Aishwarya Bajaj,
Ms. Sarmistha Basak,
Mr. S. Rahaman.
...for the petitioner.

Mr. Madhusudan Sur Id.APP.,
Ms. Rajashree Tah.
...for the State.

Mr. Karan Dudhewala,
Mr. Arjun Bhajan,
Mr. Shivam Pal,
Mr. Kamran Hossain,
Mr. Aishwarya Rana.
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The de facto complainant is neither a party nor privy to any contract that the petitioner might have entered into. In order to avoid payment of sums as per claims of others, the de facto complainant has lodged a false complaint against the petitioner.

Learned counsel appearing on behalf of the de facto complainant submits that his client is the original government

contractor. He has assigned a job to a sub-contractor. The said sub-contractor might have engaged the petitioner for the work. However, the petitioner did not do the work as required in spite of taking money and is involved in theft of some materials at the site.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and relies on the agreement and the subsequent undertaking given by the petitioner to return 167 number of pipes.

At this stage, learned counsel for the petitioner submits that he was made to give an undertaking under severe duress. If he had gone to the police, he had been arrested.

As the dispute is predominantly commercial in nature between several parties out of whom the sub-contractor is not actively venting any grievance, I do not think 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/- 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 week 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) 1303 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.)