

06/05/2025

D/L 25
Ct. No.28
S.Kundu
Allowed

C.R.M.(A) 1460 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 New Barrackpore police station case no. 65 of 2025 under sections 110/117(2)/3(5)/329(3)/351(2)/74/79 of the BNS.

In the matter of: Kartick Das @ Aloke Kumar Das & Ors.
... Petitioners

Mr. Soumyajit Das Mahapatra
Ms. M. Das
Ms. M. Sinha

...for the petitioners.

Mr. Arijit Ganguly
Mr. Subham Bhakat

...for the State.

1. Learned counsel appearing on behalf of the petitioners submits as follows. The de-facto complainant's daughter is an advocate. The de-facto complainant and the daughter are staying at the petitioner's premises without any authority. A civil suit is pending over this. Earlier the de-facto complainant's daughter manipulated the police had one accused namely, Dipak Das picked up and thereafter, had an FIR registered. This Court by an order dated 28.3.2025 passed in WPA 6877 of 2025 directed release of the said Dipak Das from custody. However, liberty was also granted to the respondent nos. 5 and 6 to approach the Investigating Officer if they felt insecure. Although, the punishments for the alleged offences are up

to 7 years, no notice was issued under Section 35(3) of the BNSS.

2. Learned counsel appearing for the State relies on the statements of the victims and the neighbours as also on the two injury reports. The injury report of the lady shows swelling on forehead and jaw and abrasions. Dressing was done and a C.T scan was prescribed by the Government hospital.
3. Considering the pendency of litigations between the parties, the nature of allegations and the alleged roles ascribed to the petitioners, I do not think that custodial interrogation of the petitioners is required in this case. However, it is required to restrict the movement of the petitioners for a limited period.
4. 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 further conditions that the petitioners shall cooperate with the investigation and the petitioners shall not threaten or intimidate witnesses. The petitioners shall stay outside the jurisdiction of New Barrackpore Police Station for a period of six months from date, except for the purpose of meeting the I.O or attending the jurisdictional Court.
5. Accordingly, the application for anticipatory bail is allowed.

6. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)