

20/08/2025

D/L 39

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 1455 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 Jiaganj police station case no. 483 of 2024 dated 11.12.2024 under sections 20(b)(ii)(c)/25/29 of the NDPS Act.

In the matter of: Riju Das

... Petitioner

Mr. Kallol Basu
Mr. Anindya Sundar Das
Mr. Debapriya Samanta
Ms. Suva Gayen
Ms. Paramita Mondal
Ms. S. Palit

...for the petitioner.

Mr. Avik Ghatak
Mr. Akash Ghosh

...for the de-facto complainant.

Ms. Faria Hossain
Md. Kutubuddin

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is absolutely innocent. There were transactions in respect of two properties which were sold by the present de-facto complainant. In respect of one, a sum of Rs.5 Lakhs was paid online and in respect of the other, Rs.80,000/- paid online. However, rest of the consideration money was paid in cash. The de-facto complainant duly signed on the memo of consideration appended to the sale deeds. After all these, the de-facto complainant has turned a volte face and alleged that although the sale deeds were executed,

the de-facto complainant did not receive the consideration money. There was also a delay in lodging the FIR.

2. Learned counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail. He submits that the accused had promised that payment will be made after execution of the deed, but the same was not kept.
3. Learned counsel appearing for the State relies on the report, as filed in Court, and the case diary and submits as follows. Some payments were found to have been made to the wife of the de-facto complainant and the same possibly related to the other transactions. However, it appears that the Additional Registrar of Assurance had given a statement that the deeds in question were executed in front of him and in a regular manner.
4. Considering the materials available in the case diary and the fact that the deed of sale in question contains a memo of consideration duly signed by the de-facto complainant, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.
5. 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 the Arresting Officer and also be subject to further conditions that the petitioner shall cooperate with the investigation and shall not threaten or

intimidate witnesses. The petitioner shall meet the I.O
once a week till submission of report in final form.

6. Accordingly, the application for anticipatory bail is allowed.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)