

06.05.2025
Court No.28
Item No.33
tbsr
Allowed

CRM (A) 1473 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Durgachak** P.S. Case No.**20 of 2025** dated **25.02.2025** under Sections **126(2)/351(2)/316(2)/318(4)/3(5)** of the Bharatiya Nyaya Sanhita.

And

In the matter of: **Kalipada Santra & Anr.**

....Petitioners.

Mr. Mrityunjoy Chatterjee
Mr. Manas Das
Mr. Salil Kumar Maity
Mr. Debapriya Majumder
...for the petitioners.

Mr. Binoy Kr. Panda
Ms. Mamata Jana
.....for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no. 1 is a 70 years old man and the petitioner no. 2 is his 67 years old wife. They are both suffering from age related ailments. The petitioners entered into an agreement for sale of a car with the de facto complainant. However he paid only a sum of Rs. 1000/-. As the consideration was not paid, the car was not handed over. In the meantime, the said car was snatched by some unknown persons. The car has now been recovered.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail and submits that there are statements of witnesses that an advance sum of money was paid as per such agreement. Statements have been recorded stating that the car was actually snatched away from the de facto compliant by the petitioners and their men.

Considering the nature of allegations and the fact that the same relates to an agreement for sale of a car, I do not find that custodial interrogation of the petitioners are required in this case.

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 condition that the petitioners shall cooperate with investigation and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)