

19.05.2025
Sl. No.26
Ct. 28
NB

C.R.M. (A) 1479 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 Sonarpur PS Case No.192/2025 dated 04.02.2025 under Sections 329(3)/126(2)/324(4)/308(5)/351(2)/3(5) of the BNS.

And

In the matter of : Sk. Abu Kalam @ Abul Kamal & Anr.
...petitioners

Mr. Rishabh Ahmad Khan
...for the petitioners.

Ms. Anasuya Sinha Id.APP.,
Ms. Trisha Rakshit.
...for the State.

Mr. Somnath Gangopadhyay,
Mr. Ajoy Das,
Mr. Nilakshi Gupta,
Mr. Abhijit Prasad.
...for the de facto complainant.

Learned counsel appearing on behalf the petitioners submits as follows. The petitioners have been falsely implicated in this case. They were related to the individual with whom the de facto complainant had come to an understanding for executing a development agreement. That is the reason why a sum was paid to them.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that on an earlier occasion, it was submitted on behalf of the petitioners that the petitioners were the adjacent land owners. Today, a new stand has been taken that the petitioners were related to a person who dealt with the de facto complainant in a

particular transaction. Thus, the petitioners were not coming with clean hands.

Learned counsel appearing on behalf of the State relies on the statements of the de facto complainant, the document regarding payment of money and the statements of independent witnesses contained at page 9 of the case diary.

Considering the serious nature of allegations and the materials available in the case diary including the statements of independent witnesses, I do not consider this to be a fit case for granting anticipatory bail to the petitioners.

The application for anticipatory bail being **CRM(A) 1479 of 2025** is, thus, rejected.

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.)