

28.07.2025
Court No.28
Item No.30
tbsr
Allowed

CRM (A) 1730 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Harishchandrapur** P.S. Case No.**914 of 2024** dated **24.10.2024** under Sections **316(2)/318(4)/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Manglu Sekh & Ors.**

....Petitioners.

Mr. Prattay Kumar Khan
Mr. Somdev Ash
Ms. Rajkumari Priynaka Devi
....for the petitioners

Mr. Subhamay Bhattacharya
Ms. Nahid Ahmed
.....for the State

Report filed on behalf the State is taken on record.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are not the prime accused in this case. A strange allegation has been levelled by the de facto complainant and other victims that as a group of borrowers they borrowed money from a bank and then gave the money the accused. The accused stopped paying the installments in lieu of EMIs. There is no document whatsoever to show that any money was taken from the alleged victims by the present petitioners. The prime accused was arrested and was granted statutory bail.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that there are statements of victims to support the prosecution case. From the custody of the arrested accused, pass books for repayment of loans were seized.

It appears that pursuant to direction passed by this Court, the present petitioners had complied with the notice issued by the police.

Considering the materials available in the case diary, the fact that prime accused was in custody and was granted statutory bail, the present petitioners complied with notice issued by the Investigating Officer and considering the alleged roles ascribed to the present petitioners, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

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 petitioner nos. 1 and 3 shall meet the I.O. once a fortnight till submission of report in final form.

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.)