

30.05.2025
Sl. No.8
akd/AP
[ALLOWED]

C. R. M. (A) 1802 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 23.05.2025 in connection with Electronic Complex Police Station FIR No.59 of 2025 dated 17.03.2025 under Sections 316(2)/318(4)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: ***Ikhlaz Hussain Khan***

... .. Petitioner

Mr. Arka Pratim Chowdhury
Mr. Aditya Kumar Sonar
Ms. Afreen T.

... .. for the petitioner

Mr. Arijit Ganguly
Ms. Debjani Sahu

... .. for the State

1. This is an application for anticipatory bail filed in connection with Electronic Complex Police Station FIR No.59 of 2025 dated 17.03.2025 under Sections 316(2)/318(4)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned Advocate representing the petitioner submitted the present petitioner entered into an agreement with the de facto complainant for demolition of a certain project. The terms and conditions have been enumerated in a contract executed by the aforesaid parties. Subsequently, there was a dispute regarding violation of the terms and conditions of the contract, which was purely civil in nature. The complainant on 05.02.2025 had issued a 'No Objection Certificate' wherein a number of persons who were witnesses had also been subsequently falsely implicated in the instant criminal case.

3. Learned Advocate representing the State submitted that the petitioner did not cooperate in the investigation and also did not comply

to the notice issued under Section 35(3) of the Bharatiya Nyaya Suraksha Sanhita, 2023.

4. Having considered the submissions of the learned Advocates for the parties, it appeared that the materials on record prima facie suggest violation of a contract executed between the present petitioner and the complainant viz. Azhar Siddiqui which prima facie referred to a civil dispute. The articles/documents relating to the partnership agreement and other relevant documents have already been seized. Hence, this is a fit case to grant anticipatory bail in favour of the petitioner however, subject to certain conditions.

5. Accordingly, it is directed that in the event of arrest, the petitioner, namely, ***Ikhlaq Hussain Khan***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall cooperate with investigation and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. He shall meet the Officer-in-charge of the concerned police station once in a month until further orders.

6. The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)