

04.09.2025
SL.48
Ct.No.28
g.b.

CRM (A) 2045 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 Girish Park P.S. Case No.49 of 2025 dated 17.04.2025 corresponding to G. R. Case No. 438 under Sections 316(2)/318(4)/335/336(2)/336(3)/340(1)/340(2)/61(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Bikram Choudhury. ... petitioner

Mr. Sourav Chatterjee
Mr. Pratim Priya Dasgupta
Mr. Nishant Shukla
Mr. Amit Dey
Mr. Rabindra Kr. Mitra
...for the petitioner

Mrs. Rituparna Ghosh De
Mrs. Rituparna Saha
...for the State.

Mr. Sourav Mondal
Mr. Rony Mondal
Mr. Arijit Bhuiya
....For the de facto complainant

Heard the learned counsels for the parties.

Perused the case diary.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner was an employee of a bank. There was long standing relationship between the petitioner and the de facto complainant inasmuch as the petitioner used to invest money paid mostly in cash by the de facto complainant. However, the relationship soured and the de facto complainant was asked to repay of all the money. It is true that

the petitioner fell into difficult circumstances. There are allegations of supplying receipts for payments, which were denied by the bank. As it would appear from the FIR that a sum of Rs.27 lakhs was taken by the petitioner in this regard although at the end of the FIR suddenly the amount is enhanced to Rs. 30 lakhs. In any event, since 2024 the petitioner had returned back Rs. 17 lakhs to the de facto complainant and his son through on-line transactions. The petitioner has now been suspended by the bank. Yet, he has offered to pay, without prejudice, a sum of Rs. 6 lakhs to the de facto complainant right now.

Learned senior counsel appearing on behalf of the de facto complainant vehemently opposes the prayer and submits that this is a case of forgery as well. The alleged repayment of Rs. 17 lakhs has nothing to do with this case. It is related to some other transaction between the private parties for which the present de facto complainant has not initiated a case, as of now.

Learned counsel appearing on behalf of the State opposes the prayer. She submits that the alleged documents which were denied to have been issued by the petitioner were seized during investigation. In fact, the bank made an offer to the de facto complainant to settle the matter without prejudice and accept payment, which was refused.

Considering the materials available in the case diary, the fact that there is some alleged repayment, the fact that most of the relevant documents have been seized during investigation and the petitioner has been suspended by the bank, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses and the petitioners shall meet the Investigating Officer once a fortnight till submission of report in final form.

The application for anticipatory bail being **CRM (A) 2045 of 2025** is, thus, allowed.

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.)