

14.08.2025
Court No.28
Item No. 11
tbsr
Allowed

CRM (A) 2295 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Tehatta** P.S. Case No.**433 of 2025** dated **12.06.2025** under Sections **318(4)/336(2)/338/336(3)/3(5)** of the of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Subrata Kumar Das & Anr.

....Petitioners.

Mr. Manas Kumar Das
Mr. Asraf Mondal
Mr. Aritra Kumar Thokdar
...for the petitioners

Mr. R. D. Nandy
Mr. Subham Bhakat
....for the State

Mr. Amanul Islam
Mr. Sourav Mukherjee
....for the de-facto complainant

Supplementary affidavit filed on behalf of the petitioners is taken on record.

Copies of the same are handed over to the learned counsels for the other side.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners purchased the property in question and had recorded the same in their name. Suits were filed by the petitioners as well as the other side. A decree was passed in favour of the petitioner. Therefore, no prima facie case is made out against the petitioners.

Learned counsel appearing on behalf of the de-facto complainant submits that in fact, there were civil suits filed by the parties in respect of the dispute in question.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and relies on the case diary.

Considering the nature of allegations which have a distinct civil flavour and the materials available in the case diary, 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 co-operate with investigation, shall meet the I.O. once a fortnight till submission of report in final form 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.)