

30.07.2025
Court No.28
Item No.46
tbsr
Allowed

CRM (A) 2373 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Hare Street** P.S. Case No.**51 of 2023** dated **22.02.2023** under Section **401(A)** of the Kolkata Municipal Corporation Ac, 1980.

And

In the matter of: **Jitesh Kumar Banthia**

....Petitioner.

Mr. Imran Siddiqui

Mr. S. Basu

Ms. Dyuti Sen

...for the petitioners.

Mr. Aniket Mitra

Mr. Debarshi Brahma

....for the State.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is neither the owner nor the developer nor the tenant in respect of the premises. In fact, he was not named in the FIR. The petitioner has complied with the notices issued under Section 41A of the Code.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that the petitioner was a Director of a Company which was inducted as a tenant and only after such induction the unauthorized construction in question took place. He also relies on the statements where he was named in the statements of witnesses.

In view of the materials available in the case diary, the alleged role ascribed to the present petitioner and the fact that the petitioner has complied with the notice issued by the police, I do not find that

custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioner 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.)