

09.09.2025
Court No.28
Item No.44
tbsr
Allowed

CRM (A) 2435 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Jhalda** P.S. Case No.**24 of 2025** dated **06.02.2025** under Sections **336(3)/336(4)/340(2)/341(1)/318(4)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: **Tanoj Kumar @ Tanuj Kandou @ Tanoj Kundu & Anr.**

....Petitioners.

Mr. Sourav Mondal
Mr. Aditya Bikram Mahata
Mr. Arijit Bhuiya
Mr. Rony Mondal
....for the petitioners.

Mr. Subhomoy Bhattacharya
Ms. Eshita Dutta
.....for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are only witnesses to the deed of sale. While they have been made accused, the persons who executed the deed as the sellers have been kept as witnesses. The petitioners have cooperated with the investigation by meeting the Investigating Officer during pendency of this application.

Learned counsel appearing on behalf of the State relies on the report, which is taken on record, as also on the case diary and opposes the prayer for anticipatory bail. He submits that a prima facie case is made out against the petitioners. Notices have also been issued against the sellers of the land. However, the petitioners have cooperated with investigation by meeting the Investigating Officer during pendency of this application.

Considering the materials available in the case diary and the report, the alleged roles ascribed to the present petitioners and the fact that the petitioners have cooperated with investigation by meeting the Investigating Officer during pendency of this application, 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.)