

06/08/2025

D/L 46

Ct. No.28

S.Kundu

Allowed

C.R.M.(A) 2447 of 2025

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/under Section 438 of the Code of Criminal Procedure. In connection with GR case no. 3245 of 2025 arising out of Burdwan police station case no. 716 of 2025 dated 1.7.2025 under sections 318(4)/3(5) of the BNS.

In the matter of: Sk. Hasan Firoz & Anr.

... Petitioners

Mr. Sandipan Ganguly
Mr. Mritunjoy chatterjee
Ms. Suchismita Chakraborty
Mr. Arka Roy

...for the petitioners.

Mr. Aniket Mitra
Mr. Prakash Mishra

...for the State.

1. Learned senior counsel appearing on behalf of the petitioners submits as follows. There are case and counter case. The de-facto complainant and his brother are actually the employees of the present petitioners. There was a case started earlier alleging defalcation of funds against the other side. They were granted anticipatory bail by this Court. As a counterblast, the present FIR was registered alleging that money was taken for delivering potatoes, but the same were not delivered. Only a half of the money was returned. The petitioners have complied with the notice issued by the police under Section 41(A) of the Code of Criminal Procedure.

2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He submits that there was an agreement regarding sale. It is alleged that half of the money was not returned for the undelivered potatoes.
3. Considering the fact that there are case and counter case and the dispute at hand has a distinct civil flavour and the fact that bulk of the documents involved have already been collected, 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.
4. 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 further conditions that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses. The petitioners shall meet the I.O once a fortnight till submission of report in final form.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)