

AD 55
August 13, 2025
Ct. 28
SG

CRM(A) 2478 of 2025

Allowed

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Lake Town P.S. Case No.162 of 2020 dated 02.10.2020 under Sections 420/406/409/464/467/468/471/506/120B/34 of the IPC.

And

In the matter of:

Tapan Basu

... petitioner

Mr. Ayan Bhattacharjee, Sr. Adv.
Mr. Abhidipto Tarafder
Mr. Shounak Mondal

... for the petitioner

Ms. Rituparna De Ghose
Mr. Debarshi Brahma

... for the State

Mr. Anirban Dutta
Mr. Abir Chakraborty

... for the de facto complainant

Learned senior counsel representing the petitioner submits that the petitioner is an Assistant General Manager of a nationalised bank from where the de facto complainant had taken an education loan. He retired in 2015. The de facto complainant lodged an FIR in 2020 without naming the present petitioner as an accused and alleging that the bank had overcharged and was not releasing the security. There was a closure report filed. Upon filing of a protest petition, further investigation is now being done. The petitioner has been served with a notice under Section 41A of the Code.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that the period of moratorium was altered without taking consent of the petitioner and unilaterally, thus rendering the petitioner liable for excess payments. Even after retirement the petitioner wrote a letter to the bank asking not to release the security.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that the notice given to the petitioner has not been complied with. Custodial interrogation is very much required to unearth truth. If the petitioner is released on anticipatory bail, he may threaten the witnesses or tamper with evidence. The petitioner may even abscond and flee the country.

At this stage, learned senior counsel representing the petitioner submits that the petitioner is 70 years old and he is a cancer patient.

The concern of the learned counsel for the State that the 70 years old cancer patient who retired in 2015 would be in a position to tamper with evidence or flee the country appears to be unfounded.

Considering the materials available in the case diary, the fact that the allegations have a distinct civil flavour and that the petitioner had retired from the bank long ago in 2015, I

do not find that custodial interrogation of the petitioner would be 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/- (rupees ten thousand) 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 the further conditions that the petitioner shall cooperate with the investigation, shall meet the investigating officer as and when required and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)