

AD 32
August 11, 2025
Ct. 28
SG

CRM(A) 2492 of 2025

Reject

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Dankuni P.S. Case No.27 of 2024 dated 02.02.2024 under Sections 406/339/342/379/420/465/467/468/471/474/503/120B/34 of the IPC.

And

In the matter of:

Sk. Akbar Ali and another

... petitioners

Mr. Kaustav Das

... for the petitioners

Ms. Z.N. Khan

Ms. Baishakhi Chatterjee

... for the State

Ms. Subhasree Patel

Mr. Saikat Mondal

Ms. Debdattya Karmakar

Ms. Shruti Mukhopadhyay

... for the de facto complainant

Learned counsel for the petitioners submits that the petitioners and some others were the developers of land. A development agreement was entered into in 2014. The dispute is only about two out of nine flats in question. Money was also paid to the owners after selling the same. The petitioners are not the beneficiaries of whatever the complainant says about taking out money from her bank account. The prime accused is one Kalyan Kumar Ballav, who is on bail.

Learned counsel for the de facto complainant strongly opposes the application for anticipatory bail and submits that the daughter of the de facto complainant was suffering from cancer and she and her husband were busy in dealing with the same. The accused took advantage of the situation and entered into an agreement with the 74 years old lady regarding the property. She was shifted to another place, made to sign blank documents and issue cheques. She found that money in her bank account have been taken away by the accused.

Learned counsel for the State files a report, which is taken on record, relies on the case diary, opposes the prayer for anticipatory bail and submits that as per the memo of consideration, a sum of Rs.35,40,000/- was the consideration sum. Instead, only an amount of Rs.23,90,000/- was credited to the bank account of the de facto complainant. The said amount was thereafter withdrawn by the accused by alluring her and giving false promise to give returns on investment. The developers/promoters of A.K. Enterprise namely, Sk. Akbar Ali, Sk. Imran Ali and Kalyan Kumar Ballav misguided the old lady. During her hospital days, the accused have taken away the ATM Card from her assuring her of all sorts of help. The bank transactions show that money was taken out not only by Kalyan Kumar Ballav, but also through the

partnership firm A.K. Enterprise and also by self cheques. As per the statement made by the victim before the learned Magistrate, when the de facto complainant took up the matter, the accused said that the police were with them and if she continued to raise her voice, her grandson would be kidnapped.

Considering the incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

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

(Jay Sengupta, J.)