10.11.2025
Court No.28
Item No.15
tbsr
Allowed

CRM (A) 2516 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Islampur** P.S. Case No.**544 of 2025** dated **02.06.2025** under Sections **318(4)/316(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Siko Paswan

....Petitioner.

Mr. Niladri Sekhar Ghosh
Mr. Shaharayar Alam
Ms. Sompurna Chatterjee
Mr. Marghoob Shalik
Ms. Labani Sikder
...for the petitioner

Ms. Amita Gaur
Mr. Debanshu Ghorai
....for the State

Md. Wasim Akram
....for the de facto complainant

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is an employee of the de facto complainant and is also a student in his own capacity. It was only on the instruction of the de facto complainant that the petitioner was operating a credit card. In fact, it was for tax purposes, as was told by the de facto complainant, that the petitioner's phone was given for obtaining credit card. From the WhatsApp chat, it is clear that the de facto complainant had asked the petitioner to receive that credit card. In any event, physical verification had been done by the bank in respect of the de facto complainant. After the de facto complainant failed to pay his dues and the bank gave a notice to this effect, the facto complainant decided to shift the entire blame on the petitioner and filed the instant FIR.

Learned counsel appearing on behalf of the de facto complainant denies the allegations and submits that there are documents to show that by WhatApp chat, the petitioner had admitted his dues. Upon enquiry, the de facto complainant came to learn that the petitioner had obtained as many as seven credit cards in his name. In these credit cards, he had used his own phone number and obtained OTPs.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the case diary and submits that there are dues in respect of the credit card totally about Rs. 2 lakh 92 thousand and odd. Investigation is on over allegations that these credit cards were obtained by the petitioner in the name of the de facto complainant and then huge sums were spent using such credit cards.

It is indeed quite surprising that credit card was obtained in the name of the de facto complainant by giving a phone number of the present petitioner. But, copy of WhatsApp chat shows that the de facto complainant was asking the petitioner to receive the credit card.

Considering the above and the other materials available in the case diary, I do not think 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 cooperate with investigation, shall not threaten or intimidate witnesses and shall meet the I.O. once a fortnight till submission of report in final form.

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.)