

AD 12
September 22, 2025
Ct. 28
SG

Allowed

CRM(A) 2556 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with New Township P.S. Case No.67 of 2025 dated 19.05.2025 under Sections 318(4), 316(3), 332, 336(3), 340(2), 351(2), 3(5) of the BNS, 2023.

And

In the matter of:

Subhas Chandra Gupta and others

... petitioners

Mr. Partha Ghosh
Mr. Amal Kumar Datta
Mr. Debashis Das
Mr. Bratin Suin

... for the petitioners

Mr. Suman De
Mr. Santanu Deb Roy

... for the State

Learned counsel for the petitioners submits that the petitioner Nos.1 to 3 are the directors of the hospital in question and the petitioner Nos.4 and 5 are the employees. The de facto complainant had disputes with the hospital. He was asked to correct himself, but he left the hospital. In retaliation, he lodged the present FIR alleging that there are huge dues of his salary. He also went on to allege that a loan taken from the hospital showing that the de facto complainant as a co-applicant by forging his signature. The FIR makes a claim of Rs.20,50,000/- from the hospital. This is purely a civil dispute. No prima facie case is made out. Any further continuation of the proceeding shall be an abuse of the process of Court.

Learned counsel for the State relies on the case diary, opposes the prayer for anticipatory bail and submits that there are allegations for illegally using the prescriptions, letter-head and seal of the de facto complainant doctor although the de facto complainant had left the hospital quite some time ago.

Learned counsel for the de facto complainant opposes the prayer for anticipatory bail and on the other hand submits that there is a clause of the memo of understanding with the hospital that the de facto complainant would not be liable for any loan taken. However, he will be a signatory. Behind the back of the de facto complainant the hospital might have entered into transactions, which he is not aware of. He was made to sign several documents.

It appears that the case diary consists of only a few pages. It appears from page 11 that the de facto complainant was asked to hand over relevant documents, but the same has not been done.

In any event, it will be for the Courts to finally decide whether the de facto complainant was actually the applicant in the loan transaction or not.

Considering the nature of allegations which point to certain commercial transactions and the materials available in the case diary, 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/- (rupees ten thousand) 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 the further conditions that the petitioners 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.)