

25.08.2025

SL.49

Ct.No.28

NB

CRM (A) 2637 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kalna P.S. Case No.161 of 2023 dated 12.02.2023 under Sections 420/379/506 read with Section 34 of the Indian Penal Code.

And

In the matter of: Surya Sundar Mukherjee & Anr.

... petitioners

Mr. Nirajnaj Bharake,
Mr. Pratip Mukherjee,
Mr. Suidp Basu.
...for the petitioners.

Mr. Partha Pratim Das,
Mr. N. Gupta.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. There was a commercial transaction between the owners of goods and their distributor. The agreement was terminated and goods were taken back after such termination. No prima facie case is made out as would be evident from a plain reading of the First Information Report. The godown in question was actually taken on rent by the petitioners. The de facto complainant was only engaged as the distributor.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that notices were given to the accused. But, they did not respond to the same.

Considering the nature of allegations and the materials available in the case diary which have a substantially civil flavour, 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.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses and the petitioners shall meet the Investigating Officer as and when required and shall respond to any notice that may be given by the Investigating Officer in accordance with law.

The application for anticipatory bail being **CRM (A) 2637 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)