

D/L 19
11-08-2025
Ct. No.446
Saikat
(Parly
Allowed)

CRM (A)/2734/2025

**VISHNU AGARWAL @ BISHAN DAYAL AGARWAL AND ANR.
VS.
STATE OF WEST BENGAL**

In Re: Application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita filed in connection with Posta P.S. Case No.54/2025 dated 05.04.2025 under Sections 61(2)/318(4)/316(2) of Bharatiya Nyaya Sanhita, 2023.

Mr. Rachit Lakhani, Adv.
Mr. Karan Dudhwewala, Adv.
Mr. Lokesh Sharma, Adv.

...For the Petitioners

Ms. Rituparna De Ghose, Adv.
Mr. Sarthak Mondal, Adv.

...For the State

1. Heard the submission of the learned advocate appearing for both the parties.
2. The specific case of the of the petitioners is the alleged transaction is for the period from 2001 to 2015 and a time barred claim has been shown by way of filing a criminal complaint under section 173(4) of the B.N.S. without assigning any explanation for this long delay. It is submitted not only he is innocent but the fact remains the loan on the ground of financial help worth Rs.2,40,500/- was given by *de facto* complainant in 2001 out of which the petitioner No.1 has repaid a sum of Rs.30,000/- by way of Demand Draft of State Bank of India. Furthermore, he repaid the remaining amount by cash but there is no document to show to that extent. Complaint has been lodged alleging an amount of Rs.86,53,749/-

which was as a financial help was granted in favour of the petitioner No.2. It further transpires that the petitioners are the residents of Gujarat. A notice under section 35(3) of B.N.S. was issued to them and after second reminder one reply was given on 6th June, 2025, to join the investigation at an earliest and requested the concerned police official to provide the necessary information related to that case.

3. In the above facts and circumstances, it reveals that the investigation is still going on. At the same time, it appears that the petitioner No.1 is aged about 70 years and a resident of Ahmedabad, Gujarat. Considering the age and allegation levelled and the delay in lodging such F.I.R., this Court is inclined to extend the benefit of section 482 of B.N.S.S. in favour of the Petitioner No.1. Hence, the prayer for anticipatory bail of the Petitioner No.1 stands allowed.
4. Accordingly, in the event of arrest, the Petitioner No.1 shall be released on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount and one must be local to the satisfaction of the arresting officer subject to the condition laid down in section 482(2) of the Bharatiya Nyaya Sanhita, 2023 and on further condition that the Petitioner No.1 shall surrender before the jurisdictional magistrate within four weeks from date and shall appear before the concerned police station as and when necessary or at least once in fortnight till completion of the investigation.
5. So far as the application for pre-arrest bail of Petitioner No.2 is concerned, this Court is not inclined to grant him anticipatory bail considering the amount of loan was given to him and the amount

was repaid. Furthermore, since the investigation is going on this Court finds no reason to allow the prayer of the Petitioner No.2 for pre-arrest bail.

6. The application for anticipatory bail is, thus, disposed of.
7. Case Diary is, however, returned.

[Chaitali Chatterjee (Das), J.]