

06.11.2025
Court No.28
Item No.7
tbsr

CRM (A) 2809 of 2025

In Re: - An application for **Transit Anticipatory Bail** under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Thrissur East** P.S. Case No.**1881 of 2024** dated **16.11.2024** under Sections **316(4)/318(4)** of the Bharatiya Nyaya Sanhita.

And

In the matter of: **Madhusudan Karmakar**

....Petitioner.

Mr. Rabi Sankar Chattopadhyay
Mr. A. Acharya

....for the petitioner

Ms. Rituparna De Ghosh
Ms. Pallavi Priyadharshee

....for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner used to work with the de facto complainant on contractual basis and used to repair and polish ornaments. The de facto complainant had a habit of not paying his staff fully. A huge sum of money fell due. Therefore, the petitioner started looking for other work. In the meantime, the police of Thrissur East Police Station asked him to meet an Officer. When he went there, he was detained by the police. On 16.03.2025 he was asked to sign on blank paper by an Inspector. But he refused to do so. They abused the petitioner and assaulted him as he could not speak their language and for not signing such papers. Later in the evening, a superior officer came and after seeing the documents asked the petitioner to leave the Police Station. The police are now looking for the present petitioner. The petitioner, therefore, apprehends that if he went to the State of Kerala to pray for anticipatory bail, his life and liberty

would be at stake. So, he has prayed for anticipatory interim anticipatory bail before this Court. The petitioner's case falls squarely within the ambit of the decision passed by the Hon'ble Apex Court in Priya Indoria Vs. State of Karnataka reported at (2024) 4 SCC 749.

Learned counsel appearing on behalf of the State of West Bengal files a copy of the instructions received from the Thrissur Police Station and submits as follows. According to the FIR, the petitioner was working as an employee in the J S Gems and Stones and had taken away gold ornaments worth approximately Rs. 6.5 lakhs containing some diamond. The petitioner did not cooperate with investigation.

It does not appear that any instruction has been provided by the Thrissur Police Station through the learned counsel for the State as to whether the statements made by the petitioner at paragraph 7 of the petition was being disputed by them.

The averments made at paragraph no. 7 clearly point to a reasonable apprehension of the petitioner that his liberty could unduly be at stake if he goes back to Thrissur to pray for appropriate relief.

Therefore, this Court is satisfied that the petitioner is entitled to seek interim/transit anticipatory bail from this Court.

No document has been forthcoming in the report to support the allegations contained in the FIR regarding taking away of some gold ornaments by the petitioner either.

Considering the above and upon hearing the learned counsels for the parties, I am inclined to allow the petitioner's application for interim/transit anticipatory.

The investigating agency shall not arrest the petitioner till four weeks from this date.

Within such period of four weeks, the petitioner shall be at liberty to pray for anticipatory bail before the learned jurisdictional Court in the State of Kerala.

The application is, thus, disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)