

AD 24
November 3, 2025
Ct. 28
SG

Allowed

CRM(A) 3037 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Kharagpur Local Police Station Case No.717 of 2025 dated 08.08.2025 under Sections 316(2)/316(5)/351(2) of the BNS, 2023.

And

In the matter of:

Eti Adhikary @ Iti Adhikary

... petitioner

Mr. Kusal Kumar Mukherjee
Mr. Koushik Das
Mr. Sayan Das

... for the petitioner

Ms. Rituparna De Ghose
Mr. Atanu Ghosh

... for the State

Mr. Debarshi Brahma
Mr. Subarna Bank

... for the de facto complainant

Learned counsel for the petitioner submits that it has been alleged in the FIR that the proceeds of consideration money regarding the sale of two ancestral properties were not distributed amongst all the heirs. The consideration money shown in the conveyance was Rs.17 lakhs. Without prejudice, the petitioner had already deposited a sum of Rs.3 lakhs before the learned Jurisdictional Court. There was no allegation made in the FIR that the properties were undervalued.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that in addition to non-payment, the properties had been undervalued.

Learned counsel for the State refers to the statements of witnesses and submits that the petitioner did not even respond to the notices given. The properties were also grossly undervalued.

It appears from the case diary that the sale was affected through a power of attorney who is the accused herein and a co-sharer. Copy of the power of attorney given in this regard is also present in the case diary.

Considering the above and in view of the fact that the matter also involves a civil dispute, 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/- (rupees ten thousand) 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 petitioner shall cooperate with the investigation and the petitioner 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.)