

27.10.2025
Court No.28
Item No.41
tbsr
Allowed

CRM (A) 3193 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Baranagar** P.S. Case No.**285 of 2025** dated **15.08.2025** under Section **316(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Jakir Khan @ Jakir Ali Khan

....Petitioner.

Mr. Rabindra Nath Bag, Sr. Adv.
Mr. Sk. Md. Wasim Akram
Mr. Piyas Chowdhury
...for the petitioner.

Ms. Subhashree Patel
Mr. Kaustav Banerjee
.....for the State.

Learned senior counsel appearing on behalf of the petitioners submits as follows. The petitioner is a goldsmith. As per request of the present de facto complainant, the petitioner had sent him some gold jewellery by special air service. Reliance is placed on copies of relevant documents in this regard. But, the de facto complainant did not make any payment in spite of demand. In the meantime, the de facto complainant lodged an FIR at the Baranagar Police Station alleging that the petitioner had committed criminal breach of trust. The same was registered on 15.08.2025. Soon thereafter on 18.08.2025 the petitioner lodged his complaint before the higher police authorities. There is an enormous and unexplained delay of about one year and nine months in lodging the instant FIR.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail and relies on the case diary.

Considering the materials available in the case diary, the copies of documents relied upon by the petitioner regarding sending of certain articles to the de facto complainant and the fact that present FIR was lodged after a delay of about one year and nine months, I do not think that custodial interrogation of the petitioner is required in this case and 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/- 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 further condition that the petitioner shall cooperate with investigation, shall meet the I.O. once a fortnight till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)