

21.11.2025
Court No.28
Item No.20
tbsr
Allowed

CRM (A) 3255 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Nabadwip** P.S. Case No. **773 of 2023** dated **19.12.2023** under Sections **342/420/406/34** of the Indian Penal Code.

And

In the matter of: Pintu Kumar Gupta

Mr. Pawan Kumar Gupta
Mr. Vijay Verma
Mr. Subrata Saha
Ms. Sofia Nesar
Mr. Santanu Sett
...for the petitioner.

Mr. Iqbal Kabir
Ms. Trisha Rakshit
.....for the State.

Mr. Sabir Ahmed
Ms. Tasnim Ahmed
Mr. Quazi Ezaz Ahmed
....for the de facto complainant

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was not named in the FIR that was lodged in 2023. Final report was submitted. Upon a Naraji being filed, further investigation commenced. Thereafter, notice was issued to the petitioner and the petitioner complied with the same. The dispute, if at all, is purely civil in nature. In fact, the petitioner had transferred the money he had received on the very same day from the account of his brother to another account, as per instruction.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that such transfer has no connection with the present de facto complainant. The de facto complainant paid money for delivery of some rice, but the same was not given.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the case diary, the report and submits that a prima facie case is clearly made out against the present petitioner. However, it is also admitted by de facto compliant that he had received only Rs. 3 lakhs out of Rs. 15 lakhs.

Considering the above, the other materials available in the case diary and the fact that petitioner has complied with the notice issued by the Investigating Agency, 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.)