

19.12.2025
Sl. No.12
Ct. 28
NB

CRM (A) 3407 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Asansol South PS Case No.321/2025 dated 08.09.2025 under Section 306 of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Anup Kumar Chatterjee ... petitioner

Mr. Sabir Ahmed,
Mr. Shraman Sarkar,
Mr. Quazi Ezaz.
...for the petitioner.

Mr. Avik Ghatak,
Mr. Kunal Ganguly,
Mr. Koustav Banerjee.
...for the de facto complainant.

Mr. Bitashok Banerjee,
Ms. Puspita Saha.
...for the State.

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

Learned counsel appearing on behalf of the petitioner submits that the petitioner was employed by a jeweler, but had resigned from his job. Thereafter, false allegations have been made alleging that he had taken gold from the suppliers/goldsmith and did not return the same to the employer/de facto complainant.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that the petitioner did not resign from the company in March, 2025, as he had received salary and gold from the goldsmiths till July, 2025. He further submits that at least one goldsmith has retained a receipt for the handing over of gold. The register maintained at the office

of the employer, which would show deposit of such gold articles has, however, gone missing and the petitioner has started a business dealing in gold jewellery after leaving the concern.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that pursuant to direction passed by this Court, the petitioner did meet the Investigating Officer, but the Investigating Officer is not satisfied with the purported cooperation.

Considering the above, the materials available in the case diary, the missing of the register and the fact that the petitioner has responded to the notice given by the Investigating Officer, 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 present petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and shall meet the Investigating Officer once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)

