

AD 29
November 14, 2025
Ct. 28
SG

Allowed

CRM(A) 3445 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tamna Police Station Case No.124 of 2025 dated 22.07.2025 under Sections 316(2)/318(4)/351(3)/3(5) of the BNS, 2023 and under Section 3(1)(f)/3(1)(g)/3(1)(i) of the SC and ST (POA) Act, 1989 .

And

In the matter of:

Harshad Tantia

... petitioner

Mr. Shekhar Kumar Basu, Sr. Adv.
Mr. Dilip Kumar Samanta
Mr. Debapriya Samanta
Mr. Samrat Ghosh
Mr. Suhotro Palit
Mr. Akash Kumar Chakraborty
Ms. Riya Saha

... for the petitioner

Mr. Ranabir Roychowdhury
Mr. Amanul Islam

... for the State

Learned senior counsel representing the petitioner submits that the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act as imputed in the FIR do not prima facie apply in the instant case. The petitioner is a bona fide purchaser of a property without notice of any defect in title. The de facto complainant sold it to two other co-accused with a condition that if the property was resold, it was not to be sold to a person belonging to general caste. At best, the FIR lodged was about violation of the clause. This does not fall within any provisions of Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. Even on merits, no prima facie

case is made out against the petitioner over the other provisions of the BNS imputed. Where no prima facie case is made out for a charge under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and anticipatory bail would be applicable, reliance is placed on a decision of the Hon'ble the Apex Court rendered in Shajan Skaria vs. State of Kerala, reported at 2024 SCC OnLine SC 2249.

Learned counsel for the State opposes the prayer for anticipatory bail.

From a careful reading of the FIR and the materials available in the case diary in the light of the above referred decision, it does not appear that a prima facie case is made out against the petitioner under provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. Therefore, the application for anticipatory bail is quite maintainable.

Considering the materials available in the case diary and the alleged role ascribed to the present petitioner who is merely a subsequent purchaser of the property, 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, shall meet the investigating officer as and when required and 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.)