

04.12.2025
Court No.28
Item No.22
ssi

CRM (A) 3595 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Baranagar PS Case No.**301 of 2025** dated **28.08.2025** under Sections **115(2)/3(5)/316(2)/318(4)/74** of the BNS, 2023.

And

In the matter of: **Priyanka Biswas**

....Applicant/Petitioner.

Mr. Rajdeep Mazumder, Sr. Adv.
Ms. Arushi Rathore

...for the petitioner

Mr. Joydeep Biswas
Ms. Madhumita Basak

..for the State

Mr. Antarikhya Basu
Mr. Sayan Mukherjee
Ms. Mayurakshi Saha

...for the de facto

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner owned a beauty parlor and the de facto complainant was her customer. An acquaintance developed. Off and on, the de facto complainant would take loans from her and would repay the same. The transactions bear out this. Thereafter, the de facto complainant took a loan of Rs. 10 lakhs from the petitioner, but did not repay. This prompted the petitioner to lodge an FIR on 27.08.2025 at 15:45 hrs. However, on the very next day, bail was granted to the de facto complainant upon surrender, with a recording that the accused therein had already complied with a notice issued under Section 35 (3) of the BNSS. This was quite impossible because the FIR had been lodged only the previous day. This shows that the Investigating Officer of the case was hand in glove with the accused. As a counter blast, the de facto complainant lodged the present FIR

on 28.08.2025 at 00.15 hrs. It was alleged that the petitioner had taken a loan of Rs. 60 lakhs and some jewellery which was later on mortgaged. The jeweller in question has subsequently filed a writ petition before this Court alleging that the jewellery was actually pawned by the de facto complainant of the present case and that the Investigating Officer of this case had forcibly taken away the jewellery from him. He has CCTV footage available in this regard.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that this is only an afterthought hatched up by the petitioner with the help of the jeweller.

Learned counsel for the State strongly opposes the prayer for anticipatory bail. He relies on statements recorded before the learned Magistrate, of witnesses including that of the jeweler. There, the jeweler had stated that neither the de facto complainant nor the present petitioner had ever come to him. It was another person by the name of Munmun Manna who had gone to him to pawn the jewellery. He also relies on statements of the said Munmun Manna claiming that the jewellery was handed over by the present petitioner.

Without going into the veracity of the counter claims regarding the role of the Investigating Officer and without putting any blame on him, in the interest of justice, let the investigation be done by an Officer of the rank of Deputy Superintendent of Police to be engaged in this regard by the concerned Superintendent of Police.

However, considering the materials available in the case diary and the claims and counter claims, 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.

Accordingly, the application for anticipatory bail of the petitioner is allowed.

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 conditions that the petitioner shall not threaten or intimidate witnesses and shall co-operate with the investigation.

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

(Jay Sengupta, J.)