

08.12.2025
Court No.28
Item No.15
tbsr
Allowed

CRM (A) 3634 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Shakespeare Sarani** P.S. Case No. **87 of 2025** dated **06.06.2025** under Sections **120B/420/406** of the Indian Penal Code.

And

In the matter of: Samapti Dey Laha

Mr. Rajdeep Majumder, Sr. Adv.
Mr. Arnab Neogi
Mr. Anirban Saha
Ms. Arushi Rathore
Mr. Sujit Chakraborty
Mr. Sourav Samanta
Mr. Ritam Dutta
...for the petitioner.

Mr. Joydeep Roy
Mr. Parvej Anam
.....for the State.

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Soumopriya Chowdhury
Mr. Kausik De
Ms. Mohini Majumder
Mr. Raghav Munshi
Ms. Ayelita Ghosh
Mr. Adrish Chatterjee
....for the de facto complainant

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner is the wife of the principal accused. It is alleged that about Rs. 7 crores was owed by the petitioner's husband from his proprietorship business. The principal accused is in custody. The present petitioner has complied with the notice issued under Section 35(3) of the BNSS. The de facto complainant, in fact, has instituted a proceeding before the company jurisdiction of this Court. There it has been noted in the order that as per the claim of the plaintiff, he had sold goods valued at Rs. 35

crores and odd for the financial years 2022-2023 and 2023-2024. As on 1st April, 2024 the opening outstanding balance owed by the defendant was nearly Rs. 5 crores. For this, a bill discounting facility was obtained from a financial service provider. The cheque given was dishonoured. The dispute is purely civil in nature.

Learned senior counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that the petitioner was a co-borrower in the finance facility obtained by the principal accused. The money has been shared between the proprietorship concern and the present petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the documents and statements of the witnesses present in the case diary.

Considering the nature of allegations which also have a civil profile, the fact that a proceeding is pending before the Commercial Division of this Court, that there was continuous business transaction between the petitioner's husband and the de facto complainant for the sometime and considering the fact that principal accused being the husband of the petitioner is in custody and the petitioner has complied with the notice issued, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant to 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 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.)