

AD 16
December 19, 2025
Ct. 28
SG

Allowed

CRM(A) 3577 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bidhannagar North P.S. Case No.05 of 2023 dated 17.01.2023 under Sections 420/448/406/465/467/468/471/120B of the IPC.

And

In the matter of:

Vijay Kumar Jain @ Vijay Kumar Hansraj Jain & others
... petitioners

Mr. Moyukh Mukherjee
Ms. Jayashree Saha
Ms. Preetu Chaudhury
Mr. Muhammad Obaid

... for the petitioners

Mr. Subhamay Bhattacharyya
Mr. Kaustav Banerjee

... for the State

Mr. Sabyasachi Banerjee, Sr. Adv.
Mr. Anirban Dutta
Mr. Rajat Subhro Das
Mr. Arka Ghosh

... for the de facto complainant

Learned counsel for the petitioners submits that the de facto complainant's signature was forged and a power of attorney was created by the sister of the de facto complainant in order to obtain a licence in favour of a tenant in respect of the property at Salt Lake. The said sister has since passed away. The petitioner No.1 is the husband of the said deceased sister and the petitioner Nos.2 to 4 are her children. The de facto complainant was aware of this deed and had made a complaint before the police on 19.02.2018. The complaint was not acted upon. After all this, now the petitioners are being hounded on the allegation that they are

the beneficiaries of the licence agreement. There cannot be any vicarious liability in criminal law.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that initially, there was an attempt made by all the accused to part with the property by executing a forged deed. A probate proceeding was dismissed by this Court. Thereafter, attempts are being made to illegally draw benefits from the said property.

Learned counsel for the State opposes the prayer for anticipatory bail, relies on certain documents and the intimations given by the tenant and the petitioners to certain authorities regarding granting no objection for electricity connection to the tenant.

It appears that the main allegation is against the de facto complainant's sister, who is no longer alive. The present petitioners are alleged to be the beneficiaries of the alleged deal. There is also a civil suit which is pending between the parties.

Considering the above, the other materials available in the case diary and the alleged roles ascribed to the present petitioners, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten

thousand) each 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 petitioners shall cooperate with the investigation, shall not threaten or intimidate witnesses and the petitioner Nos.1 to 3 shall meet the investigating officer once a fortnight till submission of report in final form.

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.)