

05.12.2025
Sl. No.14
Ct. 28
NB

CRM (A) 3629 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 Patuli PS Case No.394/2025 dated 19.08.2025 under Sections 318(4) of the BNS read with sections 319(2)/338/336(3)/340(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Debabrata Gharai

... petitioner

Mr. Sabyasachi Banerjee Sr.Adv.,
Mr. Rajesh Kshetry,
Mr. Apalak Basu,
Ms. Sompurna Chatterjee,
Ms. Shanghamitra Mridha.
...for the petitioner.

Mr. Rudradipta Nandy,
Mr. Sharequl Haque.
...for the State.

Mr. Moyukh Mukherjee,
Ms. Sharmistha Basak,
Mr. Kaustav Bhattacharyya.
...for the de facto complainant.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner entered into an agreement with the de facto complainant for starting a business in Bangladesh. The petitioner is admitted to have taken Rs.35 Lakhs for such purpose. In turn, he had given Rs.20 Lakhs to a third party in connection with such business. The said third party issued some cheques in return. But, as the said third party did not take any steps, the petitioner presented those cheques, which were dishonoured. He had initiated proceedings under Section 138 of the Negotiable Instruments Act, much before the registration of the present FIR.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that there is collusion between the petitioner and the said third party and the ultimate victim is the de facto complainant.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on documents including the agreement of profit sharing between the petitioner and the de facto complainant.

Considering the materials available in the case diary and the fact that the allegations also have a civil profile, 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.)

