

05/12/2025
D/L – 44
Court No.28
S. Kundu
Allowed

C.R.M.(A) 3908 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Durgapur P.S FIR No. 456 of 2025 dated 2/11/2025 under Sections 318(4)/319(2)/316(2)/3(5) of the BNS.

In the matter of: Avijit Adhikari & Anr.

...Petitioners.

Mr. Sanjib Bandyopadhyay
Ms. Pritilata Sardar
Mr. Pritam Das
Mr. Partha Pratim Maity

...for the petitioners.

Md. Dilawar Khan
Mr. Karan Dudhewala
Ms. Apple Mughali Jimo

...for the de-facto complainant.

Mr. Sanjoy Banerjee
Ms. Debjani Sahu

...for the State.

1. Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners were teachers in the Rice Academy. After some time, they left the centre, to open their own coaching centre. For this, they took a sum of Rs.28 Lakhs from the de-facto complainant. Initially, they undertook to repay the amount within two years, but they could repay only Rs.2.5 Lakhs. However, they had handed over the original deeds of their property, passport etc. as security, as also blank cheques. However, the de-facto complainant started sending muscle men to threaten the petitioners for recovery of the money. The petitioners were constrained to lodge a

complaint in this regard. As a counter-blast, the present FIR has been lodged.

2. Learned counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail. He submits that the deed in question, given to the de-facto complainant, relates to a property of which the petitioners were not the owners. No amount was repaid. However, blank cheques were handed over by the petitioners.
3. Learned counsel appearing for the State opposes the prayer for anticipatory bail. She relies on the statements of witnesses and other materials available.
4. It appears that the blank cheques were given by the petitioners to the de-facto complainant towards recovery of the amount paid. It is also an admitted position that the petitioners had taken a loan from the de-facto complainant but failed to repay the same.
5. Considering the materials available in the case diary, there are allegations and counter-allegations and the fact that the principal dispute also has civil profile and the cheques were given to ensure repayment, 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.
6. In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- 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 further conditions that the petitioners shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioner no. 1 shall meet the I.O once a fortnight till submission of report in final form.

7. Accordingly, the application for anticipatory bail is allowed.
8. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)