

18.12.2025
Court No.28
Item No.49
tbsr
Allowed

CRM (A) 3949 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Jamboni** P.S. Case No.155 of 2025 dated **08.11.2025** under Sections **316(5)/318(3)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Bhabesh Chandra Mahata

....Petitioner.

Mr. Kallol Mondal, Sr. Adv.
Mr. Supriyo Shasmal
Mr. Souvik Das
...for the petitioner.

Ms. Amita Gaur, Sr. Adv.
Ms. Suparna Chatterjee
....for the State.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner was a sub-postmaster of a post office. It was allegedly found that there was a deficit of about Rs. 6,68,000/- as per the accounts. Soon thereafter without prejudice, the petitioner paid the said amount to the concerned authorities. Yet, the petitioner was suspended. A departmental proceeding was started. The petitioner challenge the suspension order before the learned CAT. Learned CAT on 06.11.2025 set aside the suspension order. Immediately thereafter i.e., on 08.11.2025, as an afterthought, the present FIR was registered.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and refers to the statements and other materials available in the case diary.

It appears that some relevant documents have been seized during investigation.

Considering the above and in view of the belated registration of the FIR soon after the setting aside of the suspension order of the petitioner by the learned CAT, 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.

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, shall meet the I.O. once a fortnight till submission of report in final form and shall not threaten or intimidate witnesses.

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.)