

04.04.2025
Item no. 17.
Court No.1.
S.De
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) 198 of 2025

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with New Jalpaiguri Police Station Case No.833 of 2024 Dated 22.08.2024 under Sections 316(2)/318(4) of the B.N.S., 2023.

And

In the matter of : Aminul Haque Sarkar. ...Petitioner.

Mr. Hillol Saha Podder,
Ms. Mousumi Das, for the Petitioner.

Mr. Abhijit Sarkar,
Ms. Sukanya Adhikary, for the State.

1. Learned advocate for the petitioner says that the allegations are civil in nature. Allegedly, the petitioner made a misrepresentation that he holds power of attorney from the owner of a land to sell the land. An agreement was, accordingly, entered into with him by the de facto complainant. The petitioner took money from the de facto complainant. Later, it transpired that the petitioner has no authority to sell the land.
2. The petitioner says that the complaint was lodged four years later. The allegations are false. He is prepared to co-operate with the police to the fullest extent.
3. Learned State counsel, while opposing the prayer for bail, shows me the material in the case diary. It does

appear that there has been undue delay of 4 years in lodging the complaint. Further, the allegations are substantially of civil nature. Chargesheet has been filed.

4. In the above facts and circumstances of the case, I am of the view that immediate custodial interrogation of the petitioner is not necessary so long as he co-operates with the police authorities.
5. Accordingly, in the event of arrest, the petitioner, namely, **Aminul Haque Sarkar** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 until further orders and on further condition that the petitioner shall meet the Officer-in-Charge/Inspector-in-Charge of the New Jalpaiguri Police Station once in a fortnight until further orders. Within seven days from date, the petitioner shall go and meet the Officer-in-Charge/Inspector-in-Charge of the said police station.
6. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, the learned

Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

7. The application for anticipatory bail, being CRM (A) 198 of 2025, stands disposed of.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)