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09.07.2025
Ct. No. 2
b.das
Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction

C.R.M. (A) 492 of 2025

In Re : An application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Alipurduar Police Station Case No. 446 of 2024 dated 30.10.2024 under Sections 316(2)/318(4)/61(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Samit Kumar Pal** ...petitioner.

Mr. Akash Dutta
Mr. Subhamoy Dutta ... for the Petitioner.

Mr. Abhijit Sarkar
Mr. Subhasish Misra ... for the State.

Heard learned counsels for the parties.

The petitioner is the manager of the company in the name and style of Angel Industries.

Learned counsel for the petitioner submits that the husband of the de facto complainant sought to join the business of the petitioners in the name of his wife since he was employed in a school as a teacher. A letter was issued to the Manger in this regard on 16th June, 2022 by the husband of the de facto complainant. A declaration issued by Ganesh Pal, husband of the de facto complainant on 8th April, 2024 prima facie suggests that a huge amount of money was taken by him from the petitioner which was not

repaid. Ganesh Pal undertook to repay the said amount to the petitioner.

Learned counsel submits that nothing was recovered from the petitioner to prima facie suggest his involvement in the alleged offence. The petitioner shall co operate with the investigating agency if granted anticipatory bail.

Learned counsel for the State opposes the prayer.

I have perused the material on record. At the outset it is noticed that no notice under Section 35(3) of the BNSS was served upon the petitioner.

The material on record collected so far does not prima facie implicate the petitioner. The documents relied upon by the petitioner require verification in course of investigation. The case is primarily based on documentary evidence. Custodial interrogation of the petitioner does not appear to be necessary.

Considering the material on record, this Court is inclined to hold that the petitioner may be granted anticipatory bail subject to his co operating in investigation, subject to stringent conditions.

Accordingly in the event of arrest, the petitioner namely **Samit Kumar Pal** be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand), with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions laid down under Section 482(2) of the BNSS. The petitioner

shall appear before the jurisdictional Court and pray for regular bail within two weeks from date. The petitioner shall remain within the jurisdiction of Alipurduar P.S. and shall furnish the address where he shall presently reside before the investigating officer and the Officer in charge of the P.S. under whose jurisdiction he shall henceforth reside. The petitioner shall meet the investigating officer once a week till submission of charge sheet.

The application for anticipatory bail is thus disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)