

19.08.2025.
Sl. 14
AKG
Ct. 01
Allowed

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

CRM (A) 498 of 2025

In re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Siliguri Police Station Case No. 272 of 2025 dated 27.04.2025 under Sections 126(2)/115(2)/117(2)/118(1)/109/74/76/351 (2) /3(5) of the Bharatiya Nyaya Sanhita pending before the learned Additional Chief Judicial Magistrate, Siliguri.

And

In the matter of : **Sri Pradip Barua & Anr.**

... Petitioners

Mr. Chayan Moni Bhowal,
Mr. Biplab Kumar Sengupta,
Ms. Shreyashi Das

..for the Petitioners

Mr. Tapan Bhattacharjee,
Mr. Dhiman Sil

..for the State

It appears that the de facto complainant lodged two successive FIRs with the concerned police station—first on April 26, 2025, and again on April 27, 2025—pertaining to an incident that allegedly occurred on April 25, 2025. The versions of the two FIRs are entirely inconsistent with each other. The allegations made in the first written complaint dated April 26, 2025, are materially different from those contained in the subsequent complaint dated April 27, 2025.

The dispute between the parties appears to be predominantly civil in nature, centering around the issue of loan repayment.

The learned advocate appearing on behalf of the State opposes the prayer for anticipatory bail.

Having considered the nature of the dispute, the inconsistencies in the complaints, and the materials placed on record, this Court is of the view that custodial interrogation of the petitioners is not warranted at this stage.

Accordingly, the petitioners, namely Sri Pradip Barua and Sri Prosun Barua, in the event of arrest, shall be released on bail upon furnishing a bond of ₹5,000/- (Rupees Five Thousand only) each, with two sureties of like amount, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri. This shall be subject to the conditions stipulated under Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), and further on the condition that the petitioners shall report before the Investigating Officer once in a fortnight until submission of the charge-sheet.

In the event of any default in appearance, the jurisdictional court shall be at liberty to take appropriate steps to secure the presence of the petitioners, including cancellation of the anticipatory bail granted herein, without further reference to this Court.

Accordingly, **CRM (A) 498 of 2025** is allowed.

Let an urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on the usual undertakings.

(Kausik Chanda, J.)