

02.09.2025

SL No.14

Ct. No.03

Sudipta

Allowed

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

CRM (A) 619 of 2025

In Re: An application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Phansidewa Police Station Case No. 275 of 2025 dated 19.06.2025 under Sections 316(2) of the BNS, 2023.

And

In Re : **Kalipada Singha & Anr.**

.....Petitioner

For the Petitioner :

Mr. Hillol Saha Poddar

.....Advocate

For the State :

Mr. Nilay Chakraborty, Ld. APP

Mr. Dhiman Sil

.....Advocates

1. Learned counsel for the petitioners submits that an agreement to sale was executed between the parties on 28th March, 2024 for the sale of 166 decimals property for a consideration of 1.25 crore. The de facto complainant paid a sum of Rs.25 lakhs and agreed to pay the remaining amount within six months. Learned counsel submits that since the money was not paid in six months, the petitioners sold 38 decimals of land vide sale deed dated 31st January, 2025. Learned

counsel submits that it is a civil dispute which has been given shape of the criminal offence. Reliance has been placed upon Radheyshyam & Ors. Vs. State of Rajasthan & Anr. in Criminal Appeal No. 3020 of 2024 [SLP (Crl.) No. 13675 of 2023].

2. Learned counsel for the State has opposed the anticipatory bail on the ground that the petitioners were having an intention to cheat since inception as they did not serve any notice to the de facto complainant before selling the land to the third party.
3. It is an admitted fact that the de facto complainant had already filed a suit for specific performance in March, 2025. The present case was registered on 19th June, 2025. It is a settled proposition that the dishonest intention must be there at the time when parties entered into the agreement.
4. I consider that the petitioners have been able to make out a case for pre-arrest bail.
5. Accordingly, in the event of arrest, the petitioners be released on anticipatory bail on furnishing bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer, and on conditions that the petitioners shall join the investigation as and when directed by the

Investigating Officer and shall not threaten or intimidate or tamper with the witnesses in any manner whatsoever.

6. The prayer for anticipatory bail is allowed.
7. CRM (A) 619 of 2025 is disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Dinesh Kumar Sharma, J.)