

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

27.11.2025
Item No. 04
AN
(Allowed)

C.R.M. (A) 760 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Matigara Police Station Case No. 383 of 2025 dated 11.06.2025 under Sections 316(2) / 318(4) / 61(2) of the Bharatiya Nyaya Sanhita pending before the learned Additional Chief Judicial Magistrate, Siliguri.

In the matter of : **Suraj Kumar Suman**

... Petitioner.

Mr. Bibaswan Bhattacharya

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. APP

Mr. Ujjwal Luksom

...for the State.

Ms. Sidhi Sethia

...for *de facto* complainant

1. Learned advocate for the petitioner submits that the petitioner is a broker and acted as a middle man for facilitating the transfer of a flat to the complainant belonging to the co-accused namely Nirmal Chand. However, incidentally, it was found that Nirmal Chand is not the owner of the said flat. The allegations are precisely against the said Nirmal Chand who has already been granted interim bail by the learned Additional Chief Judicial Magistrate, Siliguri. The alleged consideration price of the flat has been transferred through RTGS to Nirmal Chand and not to the account of the present petitioner. The notice under Section 35(3) of the BNSS,

2023 has not been served on the proper residential address of the petitioner. However, the petitioner is willing to cooperate with the investigation. He seeks for grant of anticipatory bail in favour of the petitioner.

2. On the contrary, opposing such prayer for anticipatory bail, learned advocate for the State submits that the petitioner acted as a middle man and conspired with the principal accused in order to deceive the complainant to part with the consideration amount. The materials on record collected during investigation would show that the alleged flat did not belong to Nirmal Chand. Therefore, custodial interrogation of the petitioner is very much necessary to unearth the truth. He in his usual fairness submits that no such amount has been transferred to the petitioner. He seeks for dismissal of the anticipatory bail application of the petitioner.
3. Learned advocate for the *de facto* complainant also opposes the prayer for anticipatory bail on the ground that the petitioner conspired with the co-accused to allure the complainant to part with the sum of Rs. 79 lacs. She also seeks for dismissal of the anticipatory bail in favour of the petitioner.
4. Perused the case diary and the materials on record.
5. It is not in dispute that this petitioner acted as a middle man for the alleged transfer of a flat to the complainant. It is the case of the prosecution that upon

misrepresentation that the flat belonged to Nirmal Chand, the amount has been paid by the complainant on good faith. Admittedly, no amount has been transferred to the account of this petitioner. Learned advocate for the State indicates that the entire sum has been transferred to the account of Nirmal Chand. Records reveal that Nirmal Chand, the co-accused has been enlarged on interim bail. In view of the above, I am inclined extend the benefit of anticipatory bail in favour of the petitioner.

6. Accordingly, in the event of arrest, the petitioner viz. **Suraj Kumar Suman** be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of like amount each to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the BNSS and on further condition that the petitioner shall meet and report to the investigating officer/inspector-in-charge of the concerned Police Station once in a fortnight until further orders and shall appear before the jurisdictional court on each date fixed for appearance and hearing. The petitioner shall join investigation and cooperate with the investigating officer.
7. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, the jurisdictional court shall be at liberty to take

appropriate steps to cancel the anticipatory bail without further reference to this Court.

8. Thus, the application for anticipatory bail is allowed.
9. **CRM(A) 760 of 2025** stands disposed of.
10. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Bivas Pattanayak, J.)