

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

22.12.2025

Court No.01
rpan/21

CRM (A) 860 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 of the Code of Criminal Procedure);

And

In Re: Swapan Kumar Sen @ Swapan Sen

- Petitioner.

Mr. Sudhindra Das
...for the Petitioner.

Mr. Biswaroop Roy
...for the State.

Apprehending arrest in connection with Matigara Police Station Case no.565 of 2025 dated 28.08.2025 under Sections 329(3)/351(2)/308(4)/61(2)(b) of the Bharatiya Nyaya Sanhita, 2023, the present application has been preferred.

Mr. Das, learned advocate appearing for the petitioner submits that the dispute has a civil profile inasmuch as a title suit is pending between the parties. The petitioner has been falsely implicated and that no specific overt act had been attributed to the petitioner. A co-accused person, similarly situated with the petitioner, had already been granted anticipatory bail. In the said conspectus, the petitioner may be granted anticipatory bail.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and submits that investigation is still continuing and there are incriminating materials on record against the petitioner.

Having heard the learned advocates appearing for the respective parties and considering the materials on record,

including the statements of the witnesses, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, I am of the opinion that his custodial interrogation is not necessary, however, his movement needs to be restricted.

Accordingly, I direct that in the event of arrest the petitioner, namely, **Swapan Kumar Sen @ Swapan Sen** 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 subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with a further condition that the petitioner shall meet with the Investigating Officer once a week till completion of investigation.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 860 of 2025, is disposed of.

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

(Tapabrata Chakraborty, J.)