

20.02.2026
Court No.28
Item No. 28
tbsr
Allowed

CRM (A) 192 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kalyani** P.S. Case No.**1280 of 2025** dated **25.12.2025** under Sections **318(4)** of the BNS.

And

In the matter of: **Dibyendu Biswas**

....Petitioner

Mr. Shibaji Kumar Das
Ms. Maitrayee Das
....for the petitioner

Mr. Abhishek Sinha
Md. Ejaz Akhter
....for the State

Mr. Jyotirmoy Talukdar
....for the de facto complainant

Affidavit of service filed on behalf of the petitioner is taken on record.

Report filed on behalf of the State is also taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the maternal uncle of the de facto complainant. The de facto complainant wanted to purchase a flat from the petitioner for a total consideration of Rs. 43 lakhs. An agreement of sale was entered into. The petitioner signed it in good faith, as they were relatives, and the de facto complainant had promised to pay Rs. 32.5 lakhs as advance. But, the petitioner did not notice that the total amount had been changed from Rs. 43 lakhs to Rs. 36 lakhs.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that a part of the money was paid through banking transactions and a part in cash.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the report, the case diary and submits that, out of the total advance of Rs. 32.5 lakhs, a sum of Rs. 10 thousand, was transferred to the bank account of the petitioner. A sum of Rs. 11.7 lakhs was transferred to the bank of the wife of the petitioner, and Rs. 2 lakhs was paid to the accused in cash. The remaining amount was purportedly paid to certain third parties as per direction of the accused.

Considering the above, the other materials available in the case diary, the fact that there is no documentary evidence regarding payment of the entire amount of earnest money, and the fact that the dispute also has a civil profile, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall cooperate with investigation, shall meet the I.O. once

a week till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)