

10.03.2026
Sl. No.14
Ct. 28
NB

C.R.M (A) 439 of 2026

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Muchipara PS Case No.157/2025 dated 09.10.2025 under Sections 316(2)/336(3)/338/340(2)/61(2)/318(4) of the Bharatiya Nyay Sanhita, 2023.

And

In the matter of: Aparna Das & Anr. ... petitioners

Mr. Bikash Ranjan Bhattacharyya Sr.Adv.
...for the petitioners.

Mr. Joydeep Biswas,
Mr. Dipankar Paramanick.
...for the State.

Mr. Avik Ghatak,
Mr. Souvik Mitra,
Ms. Disha Roy,
Ms. Dishani Kanjilal.
...for the de facto complainant.

Learned senior counsel representing the petitioners submits as follows. The petitioner no.1 is the wife of the person in favour of whom the de facto complainant had executed a power of attorney. It is alleged that even after the power of attorney was cancelled, the property in question was transacted. The husband has already been granted bail. The petitioner no.2 is the clerk of the principal accused.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail. He submits that the principal accused was granted bail upon surrender before the learned jurisdictional Court. The order has been challenged both by the State as well as by the de facto complainant.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of witnesses and the bank statements and submits that huge sums of money were transferred by the principal accused to the accounts of the present petitioners.

Considering the above, the other materials available in the case diary, the fact that the principal accused has been granted bail in this case, although an application for cancellation of bail is pending in this regard, and the alleged roles ascribed to the present petitioners, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioners shall cooperate with the investigation and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever and the petitioner no.2 shall meet the Investigating Officer once a week till submission of report in final form.

The application for anticipatory bail is, thus, disposed of.

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.)

