

01.04.2026
Court No.28
Item No.39
tbsr
Allowed

CRM (A) 526 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 438 of the Code of Criminal Procedure, 1973 in connection with **Bidhannagar North** P.S. Case No.**49 of 2024** dated **06.03.2024** under Sections **420, 406, 419, 467, 468, 471 and 120B** of the Indian Penal Code, 1860.

And

In the matter of: **Sontosh Kumar Gupta.**

....Petitioner.

Mr. Rishav Singh
Mr. Sagar Mishra
Mr. Soumalya Dutta

....for the petitioner

Mr. Rudradipta Nandy, Id. APP
Ms. Nandini Chatterjee

.. for the State

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was not even named in the FIR in question. His name has been added in the array of accused much later. One co-accused, Amit Kumar was granted anticipatory bail by the learned Sessions Court. He lodged an FIR at the Tilaiya Police Station, District Koderma, Bihar alleging that he had purchased the mobile from one Vivek Ray and thereafter, sold it to the present petitioner. In fact, the petitioner cooperated with investigation and handed over the phone in question to the Investigating Officer. It was seized in accordance with law.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that a link was sent to the victim over phone to redeem certain points. The victim shared his bank account number and ID. Money was taken out in two tranches of Rs. 1.39 lakhs each. It was found during investigation that one Jainul had given his phone to one Amit Kumar for repairing. The said

Amit Kumar took out Jainul's SIM Card and used it in the disputed phone for defrauding the victim. The said Amit Kumar then sold the phone to one Faizan who, in turn, sold it to the present petitioner.

It appears that the order granting anticipatory bail to the principal accused Amit Kumar has not been challenged by the State.

Considering the above, the other materials available in the case diary and the alleged role ascribed to the present petitioner, 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, shall not threaten or intimidate witnesses and shall not leave the jurisdiction of North 24 Parganas for a period of 3 months till submission of report in final form.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)