

10.03.2026
Sl. No.25
Ct. 28
NB

C.R.M (A) 576 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 Burrabazar PS Case No.233/2024 dated 16.11.2024 under Sections 61(2)/318(2)/316(2) of the Bharatiya Nyay Sanhita, 2023.

And

In the matter of: Pratap Shankar Dubey & Ors. ... petitioners

Mr. Rachit Lakhmani,
Mr. Mohammed Amin,
Mr. Siddhanth Makkar,
Mr. Mahjabeen.

...for the petitioners.

Mr. Anand Kesari,
Mr. Bikram Mitra.

...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner nos.1 and 2 are the brothers, the petitioner no.3 is the wife of the petitioner no.2 and the petitioner no.4 is the wife of another brother. It is alleged that the wife of the petitioner no.1 and the other petitioners had received some money in lieu of loan between 2009 and 2013, but did not repay the same in its entirety. Although the de facto complainant claimed that a sum of Rs.28.5Lakhs was given to the family members, actually, the family members received a sum of Rs.27Lakhs and all such sum was repaid including a sum of Rs.15Lakhs (approximately) paid by bank transfer. All these transactions were made upon verbal arrangement. There was no question of payment of interest. But about 5 years ago, a notice was given by the de facto complainant

that the petitioners ought to pay interest on the said sum. No prima case is made out against the present petitioners.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of witnesses and copies of bank transactions.

Considering the above, the other materials available in the case diary, the fact that the alleged loan transactions took place between 2009 and 2013 and there are counterclaims regarding repayment of money, 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 nos.1 and 2 shall meet the Investigating Officer once a fortnight 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.)

