

AD 82
April 6, 2026
Ct. 28
SG

Allowed

CRM(A) 655 of 2026

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhagwanpur P.S. Case No.337 of 2025 dated 05.08.2025 under Section 316(2)/318(4)/3(5) of the BNS, 2023.

And

In the matter of: *Nirmal Bhakta and another*

... petitioners

Mr. Karan Bapuli

... for the petitioners

Mr. Bitasok Banerjee

Mr. Mainak Gupta

... for the State

Learned counsel for the petitioners submits that the petitioners had taken a loan of Rs.10.32 lakhs from a non-banking financial institution. Till date, they have already repaid a substantial portion of the loan being Rs.9.89 lakhs. A cheque was issued to the said concern, which was dishonoured. Accordingly, a proceeding was initiated under the N.I. Act. However, after about two years, the present FIR was lodged.

Learned counsel for the State opposes the prayer for anticipatory bail, refers to the statements of witnesses and other documents available in the case diary and submits that, according to the prosecution case, till December, 2022 the petitioners had made payments. Thereafter, the cheques started getting dishonoured.

Considering the above, the other materials available in the case diary and the fact that some part payments have been made by the petitioners in respect of the loan, and that for the dishonour of cheque, proceeding has already been initiated, 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.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) each 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 the further conditions that the petitioners shall cooperate with the investigation, shall meet the investigating officer once a fortnight 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 copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)