

17/04/2026
D/L – 20
Court No.28
S. Kundu
Allowed

C.R.M.(A) 1126 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Jamalpur P.S case no. 30 of 2026 dated 26/01/2026 under Sections 318(2)/316(2)/351(2)/109(1)/61(2)/3(5) of the BNS.

In the matter of: Swapan Kumar Banerjee @ Swapan Banerjee

...Petitioner.

Mr. Arindam Jana
Mr. Dyutiman Banerjee
Mr. Debjit Dutta
Mr. Yuvraj Chatterjee

...for the petitioner.

Mr. Sekhar Pal
Mr. Mobakshar Islam
Mr. Krishna Prasad Majumder

...for the O.P no. 2.

Ms. Subhasree Patel
Ms. Suchismita Dutta

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the son-in-law of the de-facto complainant. They had a joint business in 2022. Subsequently, the couple got separated by a divorce. Thereafter, out of vengeance, the father-in-law initiated the present proceeding. It is alleged that the father-in-law and the son-in-law had jointly paid money for purchase of a property. However, the son-in-law tried to take the property for himself. No prima facie case is made out as would be evident from a plain reading of the FIR, which was incidentally registered pursuant to a direction passed by the learned Magistrate.

2. Learned counsel appearing for the de-facto complainant strongly opposes the prayer for anticipatory bail. He submits that the business in question never actually started. The petitioner has cheated a total sum of Rs.23 lakhs.
3. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He refers to the statements of witnesses and other materials available in the case diary.
4. Considering the above, the other materials available in the case diary and the fact that allegations also have 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.
5. In the event of arrest, the petitioner 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 the Arresting Officer and also be subject to further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the Investigating Officer once a fortnight till submission of report in final form.
6. Accordingly, the application for anticipatory bail is allowed.

7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)