

23.06.2026
Court No.28
Item No.8,9
Sc

CRM (A) 1165 of 2026

With

CRM (A) 1166 of 2026

In Re: - Applications for anticipatory bail under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with **Kulpi** P.S. Case No.**470 of 2025** dated **28.12.2025** under Sections **318(4)/316(2) and 3(5)** of the Bhartiya Nyay Sanhita.

And

In the matter of: Abhijit Mistry @ Abhijit Mistri (CRM 1165 of 2026)
And

In the matter of: Namita Mistry @ Namita Mistri & Anr.
(CRM 1166 of 2026)

....Petitioners.

Mr. Subhrajyoti Dey, Adv.

Mr. Sushovon Dey, Adv.

Mr. Vaskar Saha, Adv.

...for the petitioners

Mr. Krishnendu Bhattacharya, Ld. APP

Ms. Rima Banerjee, Adv.

....for the State

Mr. Ayan Bhattacharya, Sr. Adv.

Mr. Pinak Kumar Mitra, Adv.

Ms. Ankita Dutta, Adv.

.....for the de facto complainant

Learned counsel appearing on behalf of the petitioners in the two applications submits as follows. The petitioner in CRM (A) 1165 of 2026 is a doctor working in Ludhiana. He was not present at the place of occurrence on the relevant day. The petitioners in CRM (A) 1166 of 2026 are the mother and the uncle of the said other petitioner. They were also not present at the place of occurrence at the relevant time. They have been falsely implicated in this case. The only connection that the petitioner, Namita Mistry, had with the de

facto complainant was that some time ago she used to work for them. The de facto complainant has a criminal antecedent.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on CDR and submits that the petitioner, Abhijit Mistry, was very much present at the place of occurrence on the relevant date and time. It is the prosecution case that the de facto complainant's wife entrusted 350 gms. of gold ornaments for polishing to Namita Mistry and Gour Haldar in the presence of Abhijit Mistry. However, they did not return those gold articles. Earlier, the said Namita Mistry had got some gold articles polished and this had created a trust in mind of the de facto complainant's wife. That is the reason why such gold ornaments were handed over to the two petitioners. Reliance is placed on documents regarding such gold ornaments. Reliance is also placed on the statements of witnesses including those of two drivers of the de facto complainant, in front of whom the entrustment was made. Reliance is also placed on the statement of the father of the accused Gour Haldar. According to him, some gold ornaments were recovered from their house. He admitted that the wife of the de facto complainant had given the said gold ornaments to the accused Namita Mistry for polishing in the presence of Abhijit Mistry.

Learned Counsel appearing on behalf of the de facto complaint strongly opposes the prayer for anticipatory bail. He submits that the personal trust reposed in the accused was breached by them and all of them were responsible for embezzling the gold ornaments. The petitioner, Abhijit Mistry, also has a criminal antecedent.

Although the petitioner Abhijit Mistry has not been able to establish that he was absent at the place of occurrence at the relevant time, as per the prosecution case, the entrustment was allegedly made to Namita Mistry and Gour Mistry and the said Abhijit Mistry was present there.

Considering the above, the other materials available in the case diary and the alleged role ascribed to each of the petitioners, while I am inclined to grant anticipatory bail to the petitioner Abhijit Mistry @ Abhijit Mistri, in CRM (A) 1165 of 2026, the application filed by the petitioners in CRM (A) 1166 of 2026 is rejected.

In the event of arrest, the petitioner in CRM (A) 1165 of 2026 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 in CRM (A)1165 of 2026 shall co-operate with the Investigating Officer and shall meet the Investigating Officer once a month till submission of Final Report and shall not threaten or intimidate witnesses.

The application for anticipatory bail of the petitioner in CRM (A) 1165 of 2026 is, thus, allowed.

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

A photocopy of this order shall be retained with the records of CRM (A) 1166 of 2026.

(Jay Sengupta, J.)