

13.05.2026
Court No.28
Item No. 43
tbsr
Allowed

CRM (A) 1354 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Baranagar** P.S. Case No. **109 of 2026** dated **05.04.2026** under Sections **316(2)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Sumana Das Roy

....Petitioner.

Mr. Asis Bhattacharyya

Mr. B. Mitra

...for the petitioner

Mr. Krishnendu Bhattacharya

Mr. Tapodip Gupta

.... Amicus

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is the owner of a flat as well as a petrol pump. Due to certain financial difficulties, the petitioner decided to sell the flat. Out of the consideration amount of Rs. 35 lakhs, a sum of Rs. 20 lakhs was paid by the de facto complainant. As the informant did not pay the rest of the same, no sale deed was executed. Although the petitioner is willing to give back the earnest money paid, the informant is not willing to take the same back.

Learned Amicus assisting the State relies on the case diary and opposes the prayer for anticipatory bail. He relies on the copies of documents available in the case diary as also the statements of witnesses. He submits that the petitioner has not complied with the notice issued.

Considering the above, the other materials available in the case diary, the fact that these 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.

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 and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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.)