07.10.2026
Item No.15
Ct.No.35
dc.
Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M. (A) 3628 of 2026

In Re : An Application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Mothabari Police Station Case No. 401 of 2025 dated 20.05.2025 under Sections 126(2)/115(2)/316(2)/318(4)/303(2)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Abdul Aziz Ali Hisham**

... Petitioner.

Mr. Subir Banerjee,
Mr. Sandip Bandyopadhyay,
Ms. Ruxmini Basu Roy,
Ms. Priyanka Samanta

... For the Petitioner.

Mr. Sagar Saha,
Ms. Nayana Mukhopadhyay

... For the State.

Learned advocate appearing for the petitioner submits that the accusations are that petitioner accepted loan from the informant and subsequently did not refund.

Learned advocate appearing for the State, on the other hand, opposes the prayer for anticipatory bail and submits that there is a notebook/diary wherein entries were available.

Having considered the fact that mere non-payment of loan amount do not require custodial detention of the present petitioner, I am of the opinion that petitioner may be granted the relief of anticipatory bail. As such, the prayer for anticipatory bail of the petitioner is **allowed**.

Accordingly, in the event of arrest, the petitioner viz., **Abdul Aziz Ali Hisham** shall be released on bail to the satisfaction of the Arresting Officer on such terms and conditions as he deems fit and proper 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 Bharatiya Nagarik Suraksha Sanhita, 2023.

As the investigation of the case is still in progress, the petitioner shall report to the Investigating Officer of the case within a period of ten days from date and thereafter on all subsequent dates fixed by the Investigating Officer, if required for the sake of investigation, till the report in final form is submitted before the jurisdictional court.

Memo of Evidence submitted by the learned advocate appearing for the State be kept with the record.

The application for anticipatory bail, being CRM (A) 3628 of 2026, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Tirthankar Ghosh, J.)