12.11.2026
Court No.35.
D/L. 10.
Kausik
(Allowed)

CRM (A) 3713 of 2026

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burtolla Police Station Case No. 124 of 2026 dated 05.07.2026 under Sections 316(2) of the BNS, 2023.

And

In the matter of : Tapas Sen

……Petitioner.

Mr. Dwijadas Chakraborty
Mr. Sk. Sujauddin

……for the Petitioner.

Mr. Supriyo Das

….for the defacto complainant.

Mr. Paramanand Sharma, APP
Mrs. Madhumita Sadhukhan

….for the State.

Learned advocate appearing for the petitioner submits that petitioner was an employee who left the service, subsequent to which he has been falsely implicated in connection with the instant case.

Learned advocate for the defacto complainant as well as the State opposes the prayer for bail. The subject matter of the case relate to the complainant having entrusted unfinished gold jewellery to the tune of Rs. 34.50 Lakhs to the present

petitioner which has not been returned as committed by the present petitioner.

Learned advocate for the State submits that there are C.C.T.V. footages to support that gold was taken by the present petitioner. However, no documentary evidence relating to ledger is available in the case diary.

Learned advocate for the defacto complainant intended to emphasise on issue of certain handwritten documents.

Be that as it may, having considered that the source of the gold ornaments along with receipt not being available in the case diary, only on the basis of C.C.T.V. footages, I am of the opinion, a person cannot be sent to custody.

As such, prayer for anticipatory bail is allowed.

As such, I direct that in the event of arrest, the petitioner, namely, **Tapas Sen** be released on bail subject to the satisfaction of the investigating officer/arresting officer of the case and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and/or under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

As the investigation of the case is in progress, petitioner shall meet with the investigating officer once in a week. In the alternative petitioner will pray for harsher process of law before the learned jurisdictional Magistrate.

Learned jurisdictional Magistrate will, in case of non-compliance of the condition imposed above, ignore the anticipatory bail order and pass non-bailable warrant of arrest and further harsher process of law.

This order of anticipatory bail will remain in force for a period of 6 weeks from date.

Accordingly, CRM (A) 3713 of 2026 is **allowed** with the aforesaid conditions.

All parties shall act in terms of server copy of the order 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.)