

13.01.2026
Sl. No.16
Ct. 28
NB

C.R.M. (A) 4031 of 2025

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Beldanga PS Case No.821/2024 dated 24.10.2024 under Sections 316(2)/319(4)/3(5) of the BNS, 2023.

And

In the matter of: Mojamel Sk. @ Babu Sk.

... petitioner

Mr. Debasis Kar,
Mr. Husen Mustafi.

...for the petitioner.

Mr. Saryati Dutta,
Mr. Sobhan Gani.

...for the State.

Report filed on behalf of the State is taken on record.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is merely a khalasi of the truck, as would be evident from a plain reading of the First Information Report. It is also submitted that the another co-accused has been arrested and the truck, if at all, would be in his custody.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that the truck was given to the petitioner and another to run. However it is a fact that before registration of the FIR, this truck was sold away by the de facto complainant to the principal accused on the condition that he would be paying the EMIs in question. Thereafter, he had been paying the EMIs.

Considering the above, the other materials available in the case dairy and the alleged role ascribed to the present petitioner, and the fact that another co-accused was arrested and was thereafter granted bail, 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 present petitioner.

Accordingly, 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall cooperate with the investigation and shall meet the Investigating Officer once a week till submission of report in final form and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail is, thus, disposed of.

The personal appearance of the Investigating Officer is noted and is dispensed with.

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.)