

09.01.2026
Court No.28
Item No.19
tbsr
Allowed

CRM (A) 4104 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Mayureswar** P.S. Case No.**266 of 2025** dated **03.11.2025** under Sections **420/406/120B/34** of the IPC.

And

In the matter of: Prasanta Pal

....Petitioner.

Mr. Aniruddha Bhattacharyya
Mr. Vishak Bhattacharyya
Ms. Anushka Bose
Ms. Rai Das

...for the petitioner

Mr. Abhishek Sinha
Ms. Smita Saha

....for the State

Learned counsel appearing on behalf of the petitioner submits as follows. In the year 2023, the de facto complainant met the petitioner and asked him to give leads for purchase of a property. The de facto complainant introduced him to proposed sellers. They said that the original owner is yet to register the property in their names. The de facto complainant even met the original owners, who assured that such transaction would be concluded. Accordingly, the de facto complainant paid cheques for substantial sums to the proposed sellers. He was also asked to pay the rest of the sum to the petitioner so that the same could be transferred in cash to the proposed sellers. The same was in fact done. Reliance is placed on a receipt for the cash payment by the petitioner. However, the proposed sellers did not execute the conveyance. In lieu thereof, two cheques were issued by the said

proposed sellers in favour of the de facto complainant. Upon presentation, the said cheques were dishonored. There are cases pending under the Negotiable Instruments Act.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of the witnesses and the documents annexed.

Considering the nature of allegations, the materials available in the case diary, the fact that the defrauded amount was allegedly secured by the proposed sellers by giving cheques, which led to initiation of legal proceedings and the alleged role ascribed to the present petitioner, 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, shall meet the I.O. once a fortnight till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

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

(Jay Sengupta, J.)