

AD 6
March 11, 2026
Ct. 28
SG

Allowed

CRM(A) 4150 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Raghunathganj P.S. Case No.593 of 2025 dated 06.05.2025 under Sections 417 and 420 of the IPC.

And

In the matter of: *Abuhena Azad* ... *petitioner*

Mr. Mahammad Mahmud

... for the petitioner

Mr. Koushik Kundu

Ms. Jonaki Saha

... for the State

Mr. Tapodip Gupta

... for the de facto complainant

Report filed by the State is taken on record.

Learned counsel for the petitioner submits that the petitioner is a salaried person. However, he was carrying on business in partnership with the de facto complainant and another. All the partners were to have bank accounts in the name of "Ali Enterprise." The petitioner has also spent a lot of money for the said business. He relies on documents annexed to the supplementary affidavit.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that there was no partnership between the private parties. The proprietorship "Ali

Enterprise” stands in the name of the de facto complainant. The present petitioner started such a concern in his own name about 2½ years after the registration of the first proprietorship. It is alleged that he opened a bank account in the same name and siphoned off money. The report also does not suggest that the petitioner had invested about one crore rupees in the said business.

Considering the above, the other materials available in the case diary and the fact that bulk of the relevant documents have already been collected during the investigation, 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/- (rupees ten thousand) 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 the further conditions that the petitioner shall cooperate with the investigation, shall meet the investigating officer 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.

Personal appearance of the investigating officer is noted and is dispensed with.

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

(Jay Sengupta, J.)