

12.02.2026
Court No.28
Item No.11
ssi

CRM (A) 4292 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Shakespeare Sarani Police Station Case No. **94 of 2025** dated **22.06.2025** under Sections **61 (2)/ 316 (2)/318 (9)/351** of the BNS 2023.

And

In the matter of: **Vivek Saraswat**

.... Petitioner.

Mr. Ankit Agarwal
Ms. Alotriya Mukherjee
Ms. Arpita Paul Biswas

...for the petitioner

Mr. Ayan Bhattacharyya, Sr. Adv.
Mr. Aniruddha Bhattacharyya
Ms. Anushka Bose
Ms. Rai Das

...for the de facto

Ms. Sreyashee Biswas
Mr. Kunal Ganguly

..for the State

Learned counsel appearing on behalf of the petitioner submits as follows. An offence of forgery has been added to the array of charges only after filing of the present application by the petitioner. The charges are denied. The dispute pertains to a commercial transaction of 2024. Yet, no preliminary inquiry was done and the FIR was registered. The prime allegation is that the petitioner, being the owner of the property, after receiving the consideration money, refused to execute the conveyance. The petitioner disputes the alleged payment of Rs. 9 lakhs in cash. The petitioner has met the Investigating Officer once, pursuant to a notice.

Learned senior counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He

submits that there is a clear mention in the whatsapp chats that Rs. 5 lakhs out of the Rs. 9 lakhs paid in cash was deposited by the petitioner to his account. However, according to him, only a sum of Rs. 50,000/- was actually deposited. In the face of such serious allegations, the extraordinary remedy of anticipatory bail cannot be invoked.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statements of witnesses, whatsapp chats and bank statements.

Considering the materials available in the case diary and the nature of dispute at hand which also has a civil profile, and the fact that bulk of the documents including bank statements and the mobile phone of the de facto complainant have already been seized, 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.

Accordingly, the application for anticipatory bail of the petitioner is allowed.

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 conditions that the petitioner shall co-operate with the investigation and shall meet the Investigating Officer once a week till submission of report in final form.

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

(Jay Sengupta, J.)