

12.02.2026
Court No.28
Item No.15
ssi

CRM (A) 4374 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Suraksha Nagarik Sanhita in connection with Bowbazar Police Station Case No. **158 of 2025** dated **12.08.2025** under Sections **318 (4)/351 (2)** of the BNS 2023.

And

In the matter of: **Rakesh Kumar Agarwal**

.... Petitioner.

Mr. Subham Ghosh
Ms. Tanwishree Mukherjee

...for the petitioner

Mr. Moyukh Mukherjee
Mr. Kunal Saroagi
Mr. Kaustav Bhattacharyya
Mr. A. Ali

...for the de facto

Mr. Antarikhya Basu
Ms. Sonali Bhar

..for the State

Learned counsel appearing on behalf of the petitioner submits as follows. There was continuous business transaction between the petitioner and the de facto complainant for a period of time. There was a business worth Rs. 4.5 crores done. While according to the petitioner, there is a due of about Rs. 31 lakhs, as per the de facto complainant, the due is Rs. 33 lakhs. Although, the alleged due became pending in 2021, the petitioner filed an FIR in 2025 after obtaining a direction under Section 175 (3) of the BNSS. Notice was issued. The petitioner went to comply with it, but the Investigating Officer did not accept the compliance. Thereafter, a representation was sent. However, no fresh notice has been issued.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail. He submits that the dues are admitted.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on statements of transactions and statements of witnesses and submits that the dues have already been admitted by the present petitioner, yet not paid. In fact, the petitioner's advocate who had met the Investigating Officer was trying to coax him to sign on the notice for endorsement of compliance, although the petitioner was not present there.

Considering the above and the other materials available in the case diary and the fact that the disputes also have a civil profile, 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 not threaten or intimidate the witnesses. The petitioner 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.)