

06.02.2026
Court No.28
Item No. 10
tbsr
Allowed

CRM (A) 4396 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Patuli** P.S. Case No.**260 of 2025** dated **05.06.2025** under Sections **319(2)/318(4)/316(2)/338/336(3)/340(2)/61(2)** of the BNS.

And

In the matter of: Tarun Kumar Bose

....Petitioner.

Md. Shamimuddin
Sk. Samiul Haque
....for the petitioner

Mr. Imran Siddique
Mrs. Subhasree Patel
Ms. Shruti Mukhapadhyay
...for the *de facto*.

Mr. Joydeep Biswas
Mr. Dipankar Paramanick
....for the State

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

Learned counsel appearing on behalf of the petitioner submits as follows. The prime allegation is that the owner of the property, namely, Malina Mitra had passed away long ago. Another lady was introduced as the said Malina Mitra and a gift deed was executed. The gift was made in favour of the one Shabari Mitra and the petitioner is the husband of the said Shabari Mitra. The said Shabari Mitra was arrested and was thereafter granted bail. The petitioner had not played any role in these transactions.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that the petitioner was the mastermind who organized everything.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the statement of one Gopal Mondal who had said that everything was done in the house of the petitioner and that he was seen organizing the said.

Upon enquiry it transpires that instead of making the person who wrongly indentified the said Malina Mitra an accused, his statement is being relied upon to oppose the anticipatory bail of the husband of the co-accused.

Upon enquiry and upon instructions obtained from the Investigating Officer in Court, learned counsel for the State submits that there is no other incriminating material available against the petitioner except for the said statement.

Considering the above, the other materials available in the case diary, the alleged role ascribed to the present petitioner and the fact that the principal accused being one of the prime co-accused had been arrested and was granted bail, 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, meet the I.O. once a

week till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

The investigation of the case shall further be conducted under the direct supervision of Deputy Commissioner of Police, South Suburban Division.

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.)