

30.05.2025

Sl. No.9

akd/AP

[ALLOWED]

C. R. M. (A) 1803 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 23.05.2025 in connection with Electronic Complex Police Station FIR No.59 of 2025 dated 17.03.2025 under Sections 316(2)/318(4)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: ***Md. Mukhtar***

.... Petitioner

Mr. Arka Pratim Chowdhury
Mr. Aditya Kumar Sonar
Ms. Afreen T.

.... for the petitioner

Ms. Shaila Afrin
Mr. Karan Bapuli

.... for the State

1. This is an application for anticipatory bail filed in connection with Electronic Complex Police Station FIR No.59 of 2025 dated 17.03.2025 under Sections 316(2)/318(4)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Learned Advocate representing the petitioner submitted the present petitioner had been a witness to an agreement entered into between one Ikhlaq Hossain Khan and the de facto complainant for demolition of a certain project. The terms and conditions have been enumerated in a contract executed by the aforesaid parties. Subsequently, there was a dispute regarding violation of the terms and conditions of the contract, which was purely civil in nature. The complainant on 05.02.2025 had issued a 'No Objection Certificate' wherein a number of persons who were witnesses had been subsequently falsely implicated in the instant criminal cases. It was further submitted the present petitioner was in no way connected with

the operation of demolition of the property in question and sought for an order of anticipatory bail.

3. Learned Advocate representing the State submitted that no notice had been issued under Section 35(3) of the Bharatiya Nyaya Suraksha Sanhita, 2023 to the petitioner in the instant case.

4. Having considered the submissions of the learned Advocates for the parties, it appeared that the materials on record *prima facie* suggest violation of a contract executed between one Ikhlaq Hossain Khan and the complainant viz. Azhar Siddiqui. The articles/documents relating to the partnership agreement to which the present petitioner is not a party and other relevant documents have already been seized. Hence, this is a fit case to grant anticipatory bail in favour of the petitioner however subject to certain conditions.

5. Accordingly, it is directed that in the event of arrest, the petitioner, namely, ***Md. Mukhtar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioner shall cooperate with investigation and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

(Ananya Bandyopadhyay, J.)