

CR MISC. CASE NO. 237/2026

In the Court of Sessions Judge, Hooghly

Present: Sri Amit Charavorty (JO WB-00615)
Sessions Judge, Hooghly.

Order No. 05 dated 18/04/2026

An application under section 482 of BNSS (438 of the Cr.P.C.) is filed by the petitioner **Koushik Karmakar** in connection with Pursurah P.S. case No. 11/2026 dated 18/01/2026 u/s 316(2)/318(4) of BNSS.

C.D. and L.C.R. are produced.

Ld. P.P. in-charge concedes to the submission of the Id. Advocate of the petitioner that neither any bail application under section 438 of Cr.P.C. is pending before the Hon'ble Court nor any such prayer has been rejected by the Hon'ble Court in respect of these petitioner.

Heard the learned advocate on behalf of the petitioner. Ld. counsel for the petitioner submits that the present accused/petitioner is innocent person whereas the de facto complainant is a loan defaulter and in order to save her from repaying the outstanding dues, the instant FIR was lodged falsely. There is no scrap of paper to show that the present accused/petitioner has received the alleged sum of money from the de facto complainant. So, the petitioner may be granted anticipatory bail as prayed for.

Ld. P.P., Hooghly for the State raises formal objection pointing out that there is only one document recovered by the I.O. which does not disclose receipt of the alleged sum of money by the accused/petitioner.

Perused the materials in the C.D. and the L.C.R.

On perusal of the materials in the C.D., it is apparent that the statements of the de facto complainant, her husband, her son and daughter have been recorded by the I.O. under section 180 of BNSS. Prima-facie, the de facto complainant has taken loan from a financial company and started to repay the same in installment. Allegedly, she repaid 19th installments at a time on the basis of promise made by the present accused/petitioner. But thereafter, the present accused/ petitioner did not deposit the same in his financial company. One document has been recovered by the I.O. during investigation from the possession of the de facto complainant where from it appears that the de facto complainant has paid installment till 17th July,2025 after obtaining initial signature and the amount of installment is noted thereunder. Thereafter, there is nothing to show that the de facto complainant had ever deposited any sum of money to the financial company. It is not prima-facie clear as to why the de facto complainant obtained signature with the amount of installment written in the document till 17th July,2025 and refrained from noting the same with initial signature thereafter. As alleged by the de facto complainant that she handed over a sum of Rs. 78,431/- to the accused/petitioner on 04/12/2025. As stated earlier there is nothing to

show that since 14th August,2025 the de facto complainant has paid a single copper to the present accused/petitioner in lieu of her outstanding dues for such loan.

There is no other prima-facie document to show anything adverse in respect of the present accused/petitioner. So, the prayer for anticipatory bail for the petitioner is **allowed**.

Accordingly, this Court directs that in the event of arrest, the above petitioner shall be released on bail upon furnishing bond of Rs.3,000/- with one surety of like amount to the satisfaction of the arresting officer and to comply with the provisions as laid down in sub-section (2) of section 482(2) of BNSS.

Return the C.D. and T.C.R.

Thus, the Cr. Misc. Case is disposed of.

Let a copy of this order be tagged with the case record.

Dictated & corrected by me.

S.J.

Sessions Judge, Hooghly