

14.08.2024
SL No.32
Court No.29
(gc)
(Allowed)

CRM (A) 2779 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Suti Police Station Case No.146 of 2024 dated 29.02.2024 under Sections 468/470/471/376/420/120B of the Indian Penal Code.

And

In the matter of : **Senaul Sk @ Sekh & Anr.**

- Petitioners.

Ms. Benajir Hasna,
Mr. Aliul Islam

....For the Petitioners.

Ms. Puja Goswami

....For the De facto Complainant.

Mr. Bitasok Banerjee,
Ms. Jonaki Saha

... For the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and the petitioner no.2 was in a love relationship with the de facto complainant and the petitioners have been falsely implicated.
2. The learned Counsel for the de facto complainant submits that initially by using the thumb impression of the de facto complainant on a blank stamp paper, the land belonging to the de facto complainant, was transferred to the petitioner no.1. However, the petitioner no.1 being aware of such fact had returned the said land to the de facto complainant.
3. The learned Counsel for the State has produced the case diary.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the fact that the property which was alleged to have been sold on 29th November,

2023 has been re-conveyed to the de facto complainant as submitted by the de facto complainant, moreover, we have taken note of the fact that the de facto complainant is major and a matured lady and, prima facie, the offence under Section 376 I.P.C. is not revealed from the case diary, we are of the view that custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Senaul Sk @ Sekh** and **Sukchand Sk @ Sukhchand Sk**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and the petitioners shall meet the I.O. once in a week till the submission of the final report.
6. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad in connection with G.R. Case No.589 of 2024 within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)