

19.08.2024
SL No.49
Court No.29
(gc)
(Partly Allowed)

CRM (A) 2860 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Matia Police Station Case No.85 of 2024, dated 26.03.2024 under Sections 448/436/34 of the Indian Penal Code.

And

In the matter of : **Sajjad Hossein Mondal @ Sajjad Mondal & Ors.**

- Petitioners.

Mr. Debashis Banerjee,
Mr. Rakesh Jana

....For the Petitioners.

Mr. Joydeep Roy,
Mr. Samarjit Balial

... For the State.

1. The learned Counsel for the petitioners submits that the dispute over a piece of land, a false complaint has been lodged by the de facto complainant. It is submitted that the petitioner filed a pre-emption case and the said matter was disposed of by a compromise decree by virtue of which the land over which the structure was standing now belongs to the petitioner nos.1 and 3.
2. The learned Counsel for the State has produced the case diary and referred to the statement of the neighbours and the seizure list.
3. Considering the materials available in the case diary and the statement of the victim recorded and the seizure list and the photographs attached to the statements, it appears that entire structure was gutted down and the investigation is at the

preliminary stage. The statements of the victims have implicated some of the petitioners.

4. On such consideration, we are not inclined to grant anticipatory bail to the petitioner nos.1, 2 and 3, namely, **Sajjad Hossein Mondal @ Sajjad Mondal, Salim Yusuf Alam @ Selim Yousuf and Kutubuddin Ahmed.**
5. Accordingly, the application for anticipatory bail of the petitioner nos.1, 2 and 3 is rejected.
6. However, having regard to the nature and extent of complicity of the petitioner nos.4, 5, 6 and 7 in the commission of the alleged offence and they are all female members of the family, we are of the view that the custodial interrogation of the petitioner nos.4, 5, 6 and 7 is not required.
7. Accordingly, we direct that in the event of arrest, the petitioner nos.4, 5, 6 and 7, namely, **Dayarani Gain, Supia Alam @ Chhupiya Bibi, Parvin Boby @ Boby Khatun and Lata Bibi @ Lota Bibi**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, 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 petitioner nos.4,5,6 and 7 shall cooperate with the investigation.
8. It is further directed that the petitioner nos.4,5,6 and 7 shall appear before the learned Additional Chief Judicial Magistrate, Basirhat, North 24 Parganas in connection with G.R. Case No.1291 of 2024 within two weeks from date.

9. Accordingly, the application for anticipatory bail is disposed of.

10. 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.)