

02.09.2024
Court No.29
Item No. 59

Allowed
sg

CRM (A) 3025 of 2024

In Re:- An application for anticipatory bail under Section 482 of the BNSS, in connection with Golf Green Police Station Case No. 142 of 2024 dated 13.07.2024 under Sections 3(5)/329(3)/305(a) of the BNS, 2023, pending before the learned Additional Chief Judicial Magistrate, Alipore, South-Parganas.

And

In Re: **Bapid @ Barid Baran Roy**

Petitioner

Mr. Deepnath Roy Chowdhury
Mr. Vijay Verma

For the Petitioner

Mr. R.D. Nandy
Md. Kutubuddin

For the State

1. The learned Counsel for the petitioner submits that the petitioner is the owner of a flat in the Russa Court Owner's Association and due to civil dispute, a false complaint has been lodged against the petitioner.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has submitted that pursuant to the order of the Civil Court, the developer has taken possession of the property and the said flat is presently alleged to be in the possession of the petitioner.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and prima facie there appears to be a civil dispute between the parties and the fact that the civil proceedings are pending between the parties, we are of the view that custodial interrogation of the present petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner namely, **Bapid @ Barid Baran Roy**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner shall meet the I.O. as and when required till the submission of the final report. The petitioner shall appear before the learned Additional Chief Judicial Magistrate, Alipore, South-Parganas, within two weeks from date.
5. In the event the petitioner fails to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel her bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)