

03.09.2024
SL No.46
Court No.29
(gc)
(Allowed)

CRM (A) 3035 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 Alipore Police Station Case No.37 of 2024 dated 02.04.2024 under Sections 326/427/506/114 of the Indian Penal Code.

And

In the matter of : **Mohammed Barik @ Md. Barik**

- Petitioner.

Mr. Sekhar Basu, Sr. Adv.,
Mr. Diptangshu Basu,
Mr. Nilavo Bose

....For the Petitioner.

Mr. S.S. Imam,
Mr. P. Priyadarshi

... For the State.

Mr. Antarikhya Basu,
Ms. Shaila Afrin,
Ms. Zeenat Parveen,
Ms. Rafat Jahan

....For the De facto Complainant.

1. The learned Counsel for the petitioner submits that due to dispute over ancestral property, a false complaint has been lodged against the petitioner. It is submitted that the mother of the present complainant earlier lodged a complaint against the de facto complainant and his associates in which a Coordinate Bench taking into consideration that the dispute is over a forged will and the said will is already in the custody of the Investigating Officer, granted bail to such associates of the complainant.

2. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the injured person and the injury report.
3. The learned Counsel for the de facto complainant has produced certain materials to show WhatsApp conversations between the accused and the de facto complainant and submits that there is a life threat for which suitable complaint has been lodged with the local police station.
4. Considering materials available in the case dairy, the nature of dispute between the parties and the statement of the injured which does not corroborate the injury report produced, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Mohammed Barik @ Md. Barik**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount, 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 on further condition that the petitioner shall meet the I.O. once in a week till the submission of the final report.
6. It is further directed that the petitioner shall appear before the - learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas in connection with C.G.R. No.838 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.)

(Shampa Dutt (Paul), J.)