

05.09.2024
Court No.29
Item No. 61

Allowed
sg

CRM (A) 3126 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Arambagh Police Station Case No. 408 of 2024 dated 21.07.2024 under Sections 406/420 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Hooghly.

And

In Re: **Sk. Riyajul**

Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
Ms. Labani Sikder
Mr. Rony Mondal

For the Petitioner

Mr. Debabrata Chatterjee
Mr. Sayan Deb Kumar

For the State

1. We have heard the learned Counsel for the parties.
2. Considering the materials available in the case diary and the nature of the dispute which involves a immovable property over which claims have been made by the parties and also having regard to the fact that the petitioner has filed a title suit in respect of the self same property prior to the date of the complaint, we are of the view that custodial interrogation of the present petitioner is not necessary.
3. Accordingly, we direct that in the event of arrest the petitioner namely, **Sk. Riyajul**, 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. one in a fortnight till the submission of final report and shall appear before the learned Trial Court within two weeks from date.

4. 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 his bail in accordance with law without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
6. 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.)