

09.09.2024
SL No.34
Court No.29
(gc)
(Allowed)

CRM (A) 3164 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 Panrui Police Station Case No.41 of 2022 dated 17.03.2022 under Sections 467/468/471/474/420/120B/504/506 of the Indian Penal Code, 1973 pending before the Court of learned Chief Judicial Magistrate, Birbhum at Suri, Birbhum.

And

In the matter of : **Abdus Sattar Molla & Anr.**

- Petitioners.

Mr. Tapas Kumar Ghosh,

Mr. Tanmoy Chowdhury

....For the Petitioners.

Mr. Debabrata Chatterjee,

Ms. Suveni Banerjee

... For the State.

1. Claiming parity with Abdus Sattar Molla and another, who were granted anticipatory bail on 30th August, 2024 in CRM (A) 2962 of 2024, a prayer for anticipatory bail is made on behalf of the petitioners. It is submitted that the petitioner no.1 is the deed writer and the petitioner no.2 is the typist.
2. The learned Counsel for the State although opposed the prayer for anticipatory bail, has accepted that the present petitioners were granted anticipatory bail in CRM (A) 2962 of 2024 in respect of a similar offence. It is reiterated that the petitioner no.1 and the petitioner no.2 have fabricated documents on the basis of which multiple transfers had taken place and their custodial interrogation is necessary.
3. Considering the materials available in the case diary, we find that the allegations are same that we have considered in CRM (A) 2962 of 2024, where the co-accused, Abdus Sattar Molla

have been granted anticipatory bail, we are inclined to grant anticipatory bail to the present petitioners.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Abdus Sattar Molla** and **Abdul Kayum Molla**, shall be released on bail upon furnishing a bond of Rs.25,000/- each, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the arresting officer and also to comply with 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 condition that the petitioners will report to the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioners shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly is disposed of.
6. 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.)