

11.09.2024

Court No.29

Item No. 34

Allowed

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CRM (A) 3239 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Beldanga Police Station Case No. 569 of 2024 dated 29.07.2024 corresponding to G.R Case No. 3857 of 2024 under Sections 314/318/335/336/338/339/341/3(5) of the Bharatiya Nyaya Sanhita.

And

In Re: Noor Hoque Sk. & Ors.

Petitioners

Mr. Pratip Kumar Chatterjee

Ms. Maitrayee Chatterjee For the Petitioners

Mr. Rudradipta Nandy

Ms. Eshita Dutta For the State

Mr. Joyjeev Medhi For the De-facto Complainant

1. The petitioner no. 1 is the purchaser of an immovable property from the petitioner nos. 2, 3 and 4, who claim to be the legal heirs and successors of Maneja Khatoon. The petitioner no. 5 has identified the signatures of the petitioner nos. 2 to 4. It is submitted that the petitioner nos. 2, 3 and 4 as legal heirs have transferred their interest in the property upon succession to the estate of Maneja Khatoon in favour of the petitioner no. 1 in 2024.
2. The de-facto complainant has filed a suit over the self-same propeerty and the said suit is pending.
3. Considering the materials available in case diary, the nature of dispute between the parties and prima facie it appears to be the dispute over immovable property, which involves right, title and interest of the parties

in question, we are of the view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Noor Hoque Sk., Selima Bibi, Malida Bibi, Runalaila Bibi @ Runa Laila and Bani Israil Seikh** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973, corresponding to Section 482(2) of the BNSS, 2023. The **petitioner nos. 1 and 5** shall meet the Investigating Officer once in a week till the submission of the final report and the **petitioner nos. 2, 3 and 4** shall cooperate with the investigation following the female norms till the submission of the final report and on further condition that the petitioners shall appear before the **learned Chief Judicial Magistrate, Murshidabad at Berhampore**, within two weeks from date in connection with **G.R Case No. 3857 of 2024**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Prasenjit Biswas, J)

