

06.11.2024
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SG
[ALLOWED]

C. R. M. (A) 3780 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gopalnagar Police Station Case No. 166 of 2024 dated 17.03.2024 under Sections 420/468/417/120(B)/34 of the Indian Penal Code, 1860.

And

In Re: Chitra Biswas @ Binapani Biswas and Ors.
... .. Petitioners

Mr. Shibaji Kr. Das,
Mr. Dipendu Sarkar,
Ms. Deblina De.

... .. for the petitioners

Mr. Antarikhya Basu,
Ms. Debjani Sahu.

... .. for the State

Mr. Mainak Gupta,
Mr. Chiranjit Saha.

... .. for the de facto complainant

1. Petitioners contend petitioner no. 1 is known as Chitra Biswas @ Binapani Biswas. She had inherited a portion of the property from her late father. She gifted one portion of her inheritance to her brother Chandan. The other portion she had sold to petitioner no.4. In the sale deed she described herself as Chitra Biswas and not Chitra Biswas @ Binapani Biswas. Taking advantage of the situation instant case was registered. Petitioners pray for anticipatory bail

2. Learned lawyer for the State contends Chitra and Binapani are different persons. By impersonating as Binapani petitioner had sold a portion of the property to petitioner no. 4. She did not cooperate with investigation.

3. Learned lawyer for *de facto* complainant states the property was jointly inherited by Chitra and other heirs. She did not have exclusive right to transfer in favour of a third party.

4. We have considered the materials on record. Aadhaar card annexed to the petition shows Chitra Biswas is the daughter of late Chittaranjan Mondal. This *prima facie* establishes that Chitra and Binapani Biswas are one and the same person. The issue whether petitioner could exclusively sell the ancestral property to petitioner no. 4 is a civil dispute which may be adjudicated before the appropriate forum.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

6. Accordingly, we direct that in the event of arrest, the petitioners viz., Chitra Biswas @ Binapani Biswas, Debraj Biswas, Golok Biswas, Ramesh Mandal @ Mondal and Pijush Mondal be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. They shall appear before the court below and pray for regular bail within four weeks from date.

7. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)