

13.11.2024
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SG
[ALLOWED]

C. R. M. (A) 3888 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 Shyampukur Police Station Case No. 107 of 2023 dated 16.11.2023 under Sections 420/467/468/471 of the Indian Penal Code, 1860.

And

In Re: Tanimia Sahoo.

... .. Petitioner

Mr. Md. Abdur Rakib,
Mr. Jaginder Panday,
Mr. Mojahid Mehedi.

... .. for the petitioner

Mr. Ranadeb Sen Gupta,
Mr. Asraf Mandal.

... .. for the State

1. Petitioner contends her uncle had left behind a will bequeathing the property on her behalf. She has filed for probate of the will. At this stage criminal case was registered to harass and humiliate her. She prays for anticipatory bail.

2. Learned Advocate for the State contends petitioner made a false declaration that she was the daughter of the testator before statutory authorities.

3. We have considered the materials on record. It is contended the testator had bequeathed the property through a registered will in favour of the petitioner. A probate suit has been instituted and the will is *custodia legis*. In this backdrop one requires to ascertain whether petitioner would wrongfully gain by making false declaration that she is the daughter of the testator or not. Relevant documents are in the control and

access of the investigating agency. Custodial interrogation for progress of investigation is not necessary.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner viz. Tanima Sahoo shall 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. She shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)