

16.01.2025
22.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 155 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tapan Police Station Case No. 470 of 2024 dated 21.10.2024 under Sections 464/465/466/467/468/506/34 of IPC.

And

In Re: **Ayeshauddin Chowdhury.**

... .. Petitioner

Mr. Niladri Sekhar Ghosh,
Mr. Sourav Mondal,
Mr. Sakhawat Khandakkar.

.... for the petitioner

Ms. Sreyashi Biswas,
Mr. Mujibar Ali Naskar,

.... for the State

1. Petitioner submits his father had purchased the property in the name of the petitioner in 1990. *De facto* complainant has made a false claim on the property and lodged the present case. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State contends petitioner had transferred the property to the *de facto* complainant by a registered instrument in 1998. Subsequently, he prepared a forged document to show that the property had been re-transferred.

3. We have considered the materials on record. Petitioner contends his father had purchased the property in the petitioner's name in 1990. *De facto* complainant contends the property was transferred to him in 1998 but petitioner claims title to the property through a re-transfer. The issue relates to

title in the property and requires to be adjudicated in an appropriate forum. Purported forged document, an unregistered deed, is already in the custody of investigating agency. It is trite an unregistered document does not transfer title in an immovable property. Hence, no wrongful loss can be said to have been caused. Be that as it may, custodial interrogation for progress of investigation is not necessary but petitioner requires to cooperate with investigation and hand over his handwriting/signature for verification.

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., **Ayeshauddin Chowdhury** 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 and on further condition petitioner while on bail shall meet the investigating officer once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date. Petitioner shall hand over his handwriting/signature to the investigating agency, if necessary.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)