

C. R. M. (A) 290 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 20.01.2025 in connection with Falta Police Station Case No.327 of 2024 dated 01.12.2024 under Sections 420/467/406/468/471 of the Indian Penal Code. (G.R. Case No.3861 of 2024)

And

In Re: ***Abdul Halim Molla***

... .. Petitioner

Ms. Jharna Biswas

... .. for the petitioner

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor

Ms. Nandini Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he had instituted writ proceedings alleging police inaction. As a result, he has been falsely implicated in the instant case. Subject matter of the case relates to transfer of immovable property in 2019. There is delay in lodging FIR. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits the transfer had been made between two dead persons.

3. We have considered the materials on record. De-facto complainant alleges petitioner had stolen documents from his residence and transferred property belonging to his predecessor (*since deceased*) in favour of his aunt. However, no contemporaneous complaint alleging theft of documents had been filed. This casts doubt with regard to de-facto complainant's role in the alleged transaction itself. The document in question is already in control and custody of the Investigating Agency. Under such

circumstances, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary and he may be granted anticipatory bail however, subject to strict conditions.

4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely, **Abdul Halim Molla**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 that the petitioner shall meet the Investigating Officer once in a week until further orders. He shall cooperate with investigation and provide his signature etc. for verification. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)