

24.04.2025
Court No.28
Item No.14
tbsr
Allowed

CRM (A) 1172 of 2025

In Re: - An application for anticipatory bail under Section 438 Cr.P.C./Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Purulia Town** P.S. Case No.**18 of 2025** dated **13.01.2025** under Sections **420/467/468/471/506/34** of the Indian Penal Code.

And

In the matter of: **Jagannath Mahato alias Ananda Mahato**

....Petitioner.

Mr. Pritam Majumdar
Mr. Mainak Singha Barma
...for the petitioner.

Mr. Arindam Sen
Ms. Kanchan Roy
.....for the State.

Mr. Aritra Bhattacharya
Mr. Dibyo Mukherjee
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The allegation is that the petitioner forged document and transferred property. Actually, the petitioner had a natural mother and a step mother. The property that was sold belonged to the natural mother while the step mother's property has been retained by the petitioner. After the FIR was lodged, the de facto complainant filed a title suit. In fact, an appeal has also been filed for correction of the land records. As such, the dispute, if at all, is purely civil in nature and documents involved have already been seized by the police authorities.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail and submits that

there are no two different persons as step mother and natural mother of the petitioner.

Learned counsel appearing on behalf of the State submits that as per statement of the local councilor there are no two different persons who have been described as natural mother and step mother of the petitioner. They are one and the same person.

Considering the nature of allegations and the fact that most of the documents in question have already been seized by the investigating agency, I do not find that custodial interrogation of the petitioner is required in this case.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall co-operate with investigation and shall meet the Investigating Officer once a fortnight till the submission of report in final form.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)

