

23.04.2025

Item No.DL36
Court No. 28
Asraf, AR(Ct.)

ALLOWED

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (A) 1288 of 2025

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Matia P.S. Case no.14 of 2025 dated 11.01.2025 under Sections 318(2), 319(2), 318(4), 351(2), 61(2) and added Section 338 of the Bharatiya Nyaya Sanhita, 2023.

-- and --

In Re : **1. ABDUL MALEK SARDAR**
 2. SAHARJAHAN BIBI
 3. AJIJUL MOLLA
 4. SWARUP JAN BIBI @ SWARUP JAN MOLLA

.....Petitioners

For the Petitioners :

Mr. Surajit Basu
Mr. Jasika Alam

.....Advocates

For the De facto Complainant :

Mr. Kallol Kumar Basu
Mr. Md. Jannat Ul Firdous

.....Advocates

For the State :

Ms. Faria Hossain, APP
Ms. Suveni Banerjee

.....Advocates

Leave is granted to amend the causetitle.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are the bona fide purchasers of property without notice of any defect in title. The prime accused in this case is one Abdul Ohid who allegedly committed impersonation and forgery to sell properties.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail and submits that the charge of forgery was added subsequently and the investigating officer was changed. Custodial interrogation of the present petitioners is required.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits as follows. The main culprit is one Abdul Ohid who had forged a document, impersonated himself as the de facto complainant of this case and had a land transferred. Earlier he had even had his name recorded in the Record of Rights on the basis of a forged affidavit.

In view of the fact that the main culprit in this case is allegedly one Abdul Ohid and that the petitioners have already responded to the notice issued by the police under Section 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023, I do not find that the custodial interrogation of the petitioners is required.

Accordingly, the petitioners shall be released on bail upon furnishing bonds of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that he shall meet the Investigation Officer of the case as and when required, cooperate with the investigation

and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **CRM(A) 1288 of 2025** is, thus, **allowed**.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)