

24.04.2025

Item No.DL38
Court No. 28
Asraf, AR(Ct.)

ALLOWED

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
APPELLATE SIDE

CRM (A) 1304 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 Santiniketan Police Station case no.271 of 2024 dated 02.11.2024 under Sections 318(4), 316(2), 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

-and-

In Re : **Madhusree Mukherjee Mitra @ Madhusri Mukherjee**
.....Petitioner

For the Petitioner :

Mr. Sabir Ahmed
Mr. Tasnim Ahamed
Mr. Dhiman Banerjee
Mr. Ezaz Ahmed

.....Advocates

For the State :

Ms. Amita Gaur
Ms. Rajnandini Das

.....Advocates

Learned counsel appearing on behalf of the petitioner submits as follows. It is alleged that although the petitioner's father was the real owner of the property in question one Chandana Mitra claimed to be the owner of the said property, took money and executed a false deed for transferring the property. The allegation against the petitioner is that she was present during the execution of such deed. It is pertinent to mention that earlier an FIR was lodged against the present de facto complainant as well as the said Chandana Mitra in connection with alleged false transfer of such property. The

same was purportedly settled between the two. A civil suit is pending. The prime accused Chandana Mitra was arrested and was granted bail. The petitioner has been falsely implicated in this case.

Learned counsel appearing on behalf of the State relies on the case diary and submits that the petitioner has not responded to the notice issued by the investigating agency.

In view of the materials available in the case diary and the role ascribed to the present petitioner, I do not think that the custodial interrogation of the petitioner is required at this stage.

Accordingly, 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 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 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) 1304 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.)