

11/11/2025
D/L – 8
Court No.28
S. Kundu
Allowed

C.R.M.(A) 1319 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Hirapur P.S. Case no. 49 of 2025 dated 21.2.2025 under Sections 336(2)/337/338/336(3)/340(2)/341(2)/341(4)/342(2)/61(2) of the BNS.

In the matter of: Rameshwar Singh

...Petitioner.

Mr. Sourav Chatterjee
Ms. Diksha Ghosh

...for the petitioner.

Mr. Debasish Roy
Ms. Saryati Datta
Mr. Sachid Talukder

...for the State.

1. An inadvertent error appears to have crept into the earlier order dated 4.11.2025. At the 6th line of the said order, instead of “shall be arrested” it should actually be “shall not be arrested”.
2. The order dated 4.11.2025 is hereby corrected and shall always be read conjointly with this order.
3. Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner is not the alleged principal accused in this case. The principal accused being the son of the petitioner was arrested and was, thereafter, granted bail. The petitioner committed an error in a conveyance by which a plot of land was transferred to his son. The plot number was wrongly mentioned as 1750 in the deed, although the petitioner

had earlier purchased the plot bearing no. 1751. Even before the registration of the FIR, the error was corrected and the deed of gift was cancelled. In fact, plot no. 1751 was purchased by the petitioner in the year 2008. Now, the State contends that even that plot of land was a vested one. This only makes the petitioner a victim. The petitioner had another dispute with a neighbour in connection with a landed property. This Court had granted anticipatory bail there. During the proceeding it was admitted by the State that they were investigating the issue of encroachment of Government land. The petitioner is aged about 66 years and during the interim order of “not to arrest” granted by this Court, the petitioner was never asked to meet the Investigating Officer for answering any question. Mutation in question that is being referred to on behalf of the State was done by the petitioner’s son. Moreover, the application under Section 144 of the Code that the petitioner had filed earlier was admittedly to protect his son’s property.

4. Learned counsel appearing for the State opposes the prayer for anticipatory bail. It is contended that the petitioner had relied on false and fabricated documents to establish his ownership of plot of land vested in the State. Acts of cheating and forgery are clearly made out *prima facie* from the First Information Report. The deed of gift in question was corrected long after its execution.

5. Considering the above and the other materials available in the case diary, the fact that the prime offending document was corrected before the registration of the FIR and the fact that the alleged principal accused being the son of the petitioner was arrested and was thereafter, granted bail, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.
6. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond 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 also be subject to further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the Investigating Officer once a fortnight till submission of report in final form.
7. Accordingly, the application for anticipatory bail is allowed.
8. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)