

AD 23
May 20, 2025
Ct. 28
SG

Allowed

CRM(A) 1352 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Burdwan P.S. Case No.301 of 2025 dated 18.03.2025 under Sections 316(2)/318(4)/of the BNS.

And

In the matter of:

Rupasri Majumder ... *petitioner*

Mr. Soumik Ganguli
Mr. Pritam Choudhury
Mr. Sanat Chandra

... for the petitioner

Mr. R.R. Chowdhury

... for the State

Ms. Sujan Chatterjee

... for the de facto complainant

Learned counsel appearing for the petitioner submits that the petitioner and her daughter entered into an agreement with a promoter to develop a property. The promoter gave Rs.30 lakhs, Rs. 15 lakhs to the petitioner and Rs.15 lakhs to the daughter. Subsequently, the daughter allegedly transferred her share to another person and she is not cooperating with the petitioner or the promoter in this regard. For this act of the daughter, the present petitioner cannot be faulted. The petitioner is, in fact, willing to pay back her share of the consideration amount to the de facto complainant. The petitioner produced two bank drafts amounting to Rs.15 lakhs and offers to pay the sum to the de facto complainant.

Learned counsel for the State submits that neither the petitioner nor the daughter had earlier complied with notices given to them. However, after the matter came up before this Court, the petitioner complied with a notice. The petitioner stated before the police that as the price of the property has increased in the area, she was reluctant to part with possession.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that he was not willing to accept the consideration money in part. Moreover, he has paid other sums for development of the property.

Considering the fact that the case is based on documentary evidence and most of the relevant documents have already been seized and the fact that it has strongly civil flavour, I am inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) 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 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 the further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

(Jay Sengupta, J.)