

05.05.2025
SL.34
Ct.No.28
NB

CRM (A) 1436 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 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) of the BNS, 2023 and added Section 338 of BNS, 2023 pending before the learned Additional Chief Judicial Magistrate, Basirhat.

And

In the matter of: Golam Odut Sardar @ Golam Odut & Anr.
....petitioners

Mr. Surajit Basu,
Ms. Jasika Alam.
...for the petitioners.

Ms. Faria Hussain,
Mr. Sujan Chatterjee.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no.1 is the son of the purchaser of the property who purchased it as a bona fide purchaser without notice of any defect in title. He is also the presenter of the deed in question. The petitioner no.2 is the identifier of the seller. However, it was on the basis of a forged document produced by the prime culprit, Abdul Ohid that he identified him. The prime accused had allegedly committed impersonation and forged documents to sell properties. The petitioners have complied with the notice under Section 35(3) of the BNSS Act issued to them. A similarly circumstanced co-accused being the purchaser of the property in question was granted anticipatory bail by this Court on 23.04.2025 in *CRM (A) 1288 of 2025*.

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 a notice issued under Sections 35(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and a co-accused was granted anticipatory bail by this Court, I do not think that custodial interrogation of the petitioners are required in this case

Accordingly, in the event of arrest, the petitioners 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that they shall meet the Investigating 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) 1436 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.)