

13.05.2025
Court No.28
Item No.50
tbsr
Allowed

CRM (A) 1530 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Goghat** P.S. Case No.**156 of 2024** dated **01.04.2024** under Sections **420/406/504/506/34** of the Indian Penal Code.

And

In the matter of: **Sonam Singh nee Kundu @ Sonam Kumari Kundu & Ors.**

....Petitioners.

Mr. Pinak Kumar Mitra
Ms. Pallavi Priyadarshee
....for the petitioners.

Mr. Suman De
Mr. S. Balial
.....for the State.

Leave is granted to correct the cause title.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioner no. 1 is the daughter-in-law of the de facto complainant, the petitioner no. 2 is her brother and the petitioner no. 3 is the brother's wife. The petitioner no. 1 has given in marriage to a person lacking intellect. To pacify the petitioners a property was gifted to the petitioner no. 1. Subsequently, the petitioner no. 1 filed an FIR, *inter alia*, Section 498A of the Penal Code. As a counter-blast, the instant proceeding was instituted. A civil suit has also been filed to cancel the deed of gift.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He submits that the husband was suffering from schizophrenia. The gift was allegedly executed by him in favour of the wife. It has been alleged

now that this gift was obtained by fraud. The gift deed has been seized.

Considering the prior enmity between the adverse parties, the fact that the case is based mainly on documentary evidence and that the gift deed has been seized, I do not think that custodial interrogation of the petitioners is required in this case.

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 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 further condition that the petitioners shall cooperate with investigation and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)