

18.07.2025
Ct.No.25
Sl. No.6
Mujahid
(Allowed)

CRM (A) 2058 of 2025

In Re: An application for anticipatory bail under Section 482 of the B.N.S.S. filed on **16.06.2025** in connection with **Sonarpur** P.S. Case No.**1631 of 2024** dated **08.12.2024** under Sections **318(4)/336(3)/338/340(2)/351(2)/3(5)** of B.N.S., 2023.

And

In the matter of: **Biswajit Rath**

... Petitioner.

Mr. Pintu Karar

...for the petitioner

Mr. Faria Hossain,
Trina Mitra

...for the State

1. Learned counsel for the petitioner submits that the de facto complainant had voluntarily executed the gift deed in favour of father of the petitioner. Learned counsel submits that gift deed was duly registered. It has been submitted that the present case has been filed only to implicate the petitioner falsely.

2. Learned counsel for the State submits that the petitioner has not joined the investigation, despite several notices under Section 35(3) of BNSS. Learned counsel submits that for the purpose of completion of, it is necessary that the petitioner should join the investigation.

3. Perusal of the record indicates that the present FIR was lodged pursuant to the court's orders. Allegedly, the de facto complainant had alleged that on 22nd August, 2024, his elder brother, co-accused Ajit Kumar Rath along with his son, i.e., present petitioner came to his house and asked to sign on certain

papers for the division of ancestral property. The de facto complainant alleged that he signed the paper in good faith. However, subsequently the accused persons claimed that the de facto complainant took a loan of huge amount and since he failed to repay, he transferred his share of property in favour of the petitioners. The complaint was made by the de facto complainant after around four months of the alleged incident.

4. Learned counsel for the petitioner has stated at bar that no civil suit for cancellation to gift deed has been filed. The gift deed is stated to have been duly registered.

5. In the circumstances, let the petitioner joins the investigation as and when directed by the Investigating Officer. In case the petitioner joins the investigation and Investigating Officer feels the necessity of effecting arrest he be released on interim bail on furnishing a personal bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, subject to the conditions that he shall join the investigation as and when directed by the Investigating Officer and he shall not threaten, intimidate or tamper with the prosecution witnesses.

6. The application for anticipatory bail is, thus, disposed of.

7. All parties shall act on the basis of the server copy of this order.

(Dinesh Kumar Sharma, J.)