

11.08.2025
Court No.28
Item No. 22
tbsr
Allowed

CRM (A) 2169 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure in connection with **Berhampore** P.S. Case No. **1154 of 2025** dated **28.05.2025** under Sections **120B/406/419/420/467/468/470/471** of the of the Indian Penal Code, 1860.

And

In the matter of: Krishna Agarwal & Ors.

....Petitioners.

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Kallol Mondal, Sr. Adv.
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra banerjee
...for the petitioners

Mr. Debasis Roy
Mr. Kunal Ganguly
....for the State

Mr. Pradip Kumar Roy, Sr. Adv.
Ms. Shruti Mitra
Ms. Sumedha Mukhopadhyay
....for the de-facto complainant

Learned senior counsel appearing on behalf of the petitioners submits as follows. There is an allegation of forgery in respect of a Deed for a land measuring about 1 satak out of 10 decimals. The petitioners and the de-facto complainant were co-sharers of the property. The said Deed was thereafter cancelled by filing a suit. Afterwards there was a partition suit between the owners including the present petitioners and the de-facto complainant and the portion in dispute was finally allocated to the present petitioners. After coming to know about the alleged fraud about three years ago, the de-facto complainant decided to lodge an FIR on 28th May, 2025.

Learned counsel appearing on behalf of the de-facto complainant strongly opposes the prayer for anticipatory bail. He submits that the partition suit is quite another thing. Because a partition suit has been decided between the private parties, it does not mean that the petitioners get absolved of the horrendous crimes committed by them.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail.

Considering the nature of allegations, the materials available in the case diary, the fact that the FIR has been lodged about three years after detection of the alleged fraud and the claim of the petitioners that they had finally been allocated the portion in question in the land in respect of which the criminal case was started, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

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 co-operate with investigation, the petitioner no. 2 shall meet the I.O. once a fortnight till submission of report in final form and the petitioners 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.)