

10.09.2025
Sl. No.24
NB

CRM (A) 2780 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 English Bazar P.S. Case No.960/2025 dated 10.05.2025 under Sections 316(2)/318(4)/336(3)/340(2)/61(2) of the Bharatiya Nyaya Sanhita.

And

In the matter of: Ajmul Sk @ Ajbul Sk & Ors.

... petitioners

Mr. Jayanta Mitra.
...for the petitioners.

Ms. Subhasree Patel,
Mr. Mainak Gupta.
...for the State.

Mr. Suvadip Bhattacharjee
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners have been falsely implicated in this case. The petitioner nos.1 and 2 have no connection with the deal in question. The petitioner no.3 had only acted as a witness in a conveyance. The petitioner nos.4, 5 and 6 were bonafide purchasers of property without any notice of any defect in the title. The de facto complainant has also filed a civil suit in this regard.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that the petitioners are the part of a racket who procured false and forged documents like "Warishan" certificates and transferred the landed properties into their names or in the name of agents who finally delivered the property to them.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. He submits that the petitioner nos.1 and 2 and another namely, Abul Kalam Azad (since deceased) are land mafias. They procured lands by using forged documents. The third kingpin Abul Kalam Azad had been murdered. He used to regularly pay amounts sums of money to petitioner nos.3,4,5 and 6 who were part of the racket. The petitioner no.2 was present at the time of registration of the deed and made payments to the advocates. The petitioner no.3 not only acted as a witness, but also identified the persons who masqueraded as sellers or heirs of the owners of the property. A forged "Warishan" certificate was used. The petitioner nos.4 and 5 soon after the execution of the deed transferred the property to the said land mafia (since deceased). The petitioner no.6 happened to be the aunt of the said land mafia (since deceased). She transferred the land to her husband.

Considering the incriminating materials available in the case diary, the allegation that the petitioners were acting in league with each other to illegally transfer land by using forged documents, I do not consider this to be a fit case for granting anticipatory bail to the petitioner.

The application for anticipatory bail being **C.R.M. (A) 2780 of 2025** is, thus, rejected.

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.)