

07.11.2025
Court No.28
Item No.30
tbsr
Partly Allowed

CRM (A) 3104 of 2025

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Usthi** P.S. Case No.**87 of 2025** dated **12.02.2025** under Sections **338, 336(3), 340(2), 351(3), 3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Madhu Sardar & Ors.

....Petitioners.

Mr. Arindam Jana
Mr. Rahul Surlani
Mr. Akash Sarkar
...for the petitioners.

Mr. Joydeep Biswas
Ms. Debjani Sahu
.....for the State.

Mr. Riaz Abedin
Mr. Asif Dewan
....for the de facto complainant.

Learned counsel appearing on behalf of the petitioners submits as follows. The petitioners are also victims of circumstances. A mutation was allegedly attempted to be done with certain fake documents. But, the effort was no successful. The principal accused has already been arrested.

Learned counsel appearing on behalf of the State relies on the case diary and submits as follows. The petitioners tried to mutate land belonging to somebody else in the names of their deceased parents of the petitioner nos. 1 and 2. The owner of the land was hundred percent disabled. These are the vulnerable people who are usually targeted in such cases. A mutation form was filled up online with a title deed pertaining to some other land. Two mutation

applications were filed, one each in the name of the respective deceased fathers of the petitioner nos. 1 and 2. In the online portal, the mobile numbers of the present petitioners were given and OTPs sent were provided for such purpose.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail.

Considering the incriminating materials available in the case diary as against the petitioner nos. 1 and 2 and the alleged roles ascribed to each of the petitioners, while I am inclined to grant anticipatory bail to the petitioner no. 3, the application for anticipatory bail of the petitioner nos. 1 and 2 is rejected.

In the event of arrest, the petitioner no. 3 shall be released on bail upon furnishing a bond of Rs.10,000/- 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 petitioner No. 3 shall cooperate with investigation, shall not threaten or intimidate witnesses and shall meet the Investigating Officer as and when required.

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

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

(Jay Sengupta, J.)