

27.10.2025
Sl. No.20
Ct. 28
NB

C.R.M. (A) 3150 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 Gariahat PS Case No.144/2025 (CGR-2216 of 2025) dated 16.07.2025 under Sections 318(4)/61(2) of Bharatiya Nyaya Sanhita.

And

In the matter of: Amal Mukherjee ... petitioner

Mr. Sabyasachi Mukherjee,
Mr. Ranabeer Halder.
...for the petitioner.

Mr. Kaushik Kundu,
Mr. Raju Mondal.
...for the State.

Mr. Soumyajit Das Mahapatra,
Sk. Samiul Haque.
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. The accused nos.1 and 2 had entered into an agreement for sale with the present petitioner. In spite of this, they first sold away the property in question to the present de facto complainant. Thereafter, they again sold away the same property to the present petitioner. The present petitioner, therefore, is purely a bonafide purchaser of the property without the notice of any defect in title. The petitioner is in possession of the property. Earlier, the de facto complainant filed a writ petition in this regard. But, the order was passed in favour of the present petitioner. Appeal was also dismissed.

Learned counsel appearing on behalf of the de facto complainant/opposite party submits as follows. The petitioner is at best a second purchaser of the same property. In fact, they got a trade license issued in name of the wife of the present petitioner. There is a civil suit initiated by the de facto complainant. Learned counsel for the de facto complainant also submits that it is disputed that the petitioner is in actual possession of the property.

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

Considering the nature of allegations, the materials available in the case diary and the alleged role ascribed to the present petitioner, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the present petitioner.

Accordingly, in the event of arrest, the petitioner 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 Arresting Officer and subject to the conditions as laid down under Section 438 of the Code of Criminal Procedure, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall cooperate with the investigation and shall meet the Investigating Officer once a fortnight till submission of report in final form and shall not threaten or intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for anticipatory bail being **C.R.M. (A) 3150 of 2025** is, thus, allowed.

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.)