

31.10.2025
SL.45
Ct.No.28
NB

CRM (A) 3172 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 Matia P.S. Case No.14 of 2025 dated 11.01.2025 under Sections 318(2)/319(2)/318(4)/351(2)/61(2) of the BNS.

And

In the matter of: Abdul Ohid Sk @ Abdul Ahid Sk & Anr.
... petitioners

Mr. Biswajit Hazra,
Mr. Archisman Sain,
Mr. Sk. Nadeem Ahmed .
...for the petitioners.

Ms. Anasuya Sinha,
Ms. Nandini Chatterjee.
...for the State.

Learned counsel appearing on behalf of the petitioners submits as follows. It is alleged that the accused committed impersonation and forgery of documents to sell properties. However, some other co-accused were granted anticipatory bail by this Court in *CRM (A) 1897 of 2025*, *CRM (A) 1436 of 2025* and *CRM (A) 1288 of 2025*.

Learned counsel appearing on behalf of the State opposes the prayer of the anticipatory bail. She refers to the case diary and submits that the persons who were granted anticipatory bail were clearly on a much better footing than the present petitioners. They were the alleged bonafide purchasers of the property without notice of any defect in title and the deed writer. While in all those cases, it was specifically mentioned that the petitioner no.1 was the principal accused who tried to sell the property by committing forgery, the

petitioner no.2 is the son of the petitioner no.1 having similar allegations against him.

It appears that the false affidavit in question was executed by the petitioner no.1.

Considering the serious nature of allegations and the materials available in the case diary, the alleged roles ascribed to each of the present petitioners and the fact that the petitioner no.1 is clearly on a different footing than the other accused who were granted anticipatory bail by this Court, while I am inclined to grant anticipatory bail to the petitioner no.2 (Nazimul Islam), the application for anticipatory bail of the petitioner no.1 is rejected.

Accordingly, in the event of arrest, the petitioner no.2 (Nazimul Islam) 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 no.2 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 is, thus, disposed of.

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.)

