

03/12/2025
D/L – 15
Court No.28
S. Kundu
Allowed

C.R.M.(A) 3558 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Baduria P.S case no. 635 dated 19/12/2024 under sections 318(4)/338/336(3)/340(1)/340(2)3(5) of the BNS.

In the matter of: Momtaj Bibi @ Mamataj Bibi

...Petitioner.

Ms. Shabana Hasin
Mr. Pratick Ghosh
Mr. Prasad Bhattacharyya
Ms. Samima Akter

...for the petitioner.

Mr. R. D. Nandy
Ms. Pallavi Priyadarshee

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits that the petitioner is a *bone fide* purchaser of the property without notice of any defect in title.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He submits that the EPIC card of the purported seller was found to be fake.
3. It appears that the principal accused, being the seller of the property who had fraudulently sold it, had passed away, and the identifier has been arrested.
4. Considering the above, the other materials available in the case diary and the alleged role ascribed to the petitioner who claims to be a *bona fide* purchaser without notice of any defect in title, 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 petitioner.

5. In the event of arrest, the petitioner 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 further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the I.O once a fortnight till submission of report in final form.
6. Accordingly, the application for anticipatory bail is allowed.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)