

04.02.2026
Ct. No. 28
Sl. No.31
akd
[ALLOWED]

C. R. M. (A) 128 of 2026

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 06.01.2026 in connection with Golabari Police Station Case No.405 of 2025 dated 28.11.2025 under Sections 318(4)/338/336(3)/340(2)/61(2) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No. 6640 of 2025)

And

In Re: ***Ajay Kumar Sarawogi & Ors.***

... .. Petitioners

Mr. Apzal Ansari
Md. Arshad Raza Khan
Mr. Ujjal Das

... .. for the petitioners

Mr. A. Sinha
Mr. Bibaswan Bhattacharya

... for the de-facto complainant

Mr. Antarikhya Basu
Mr. Ratul Ghosh

... .. for the State

1. Learned counsel appearing on behalf of the petitioners submits as follows. Since 1919 the forefathers of the petitioners were residing at the premises in question. A partition suit was filed and the property was partitioned between different co-sharers including the said forefathers of the petitioners. The de-facto complainant now claims that the father of the petitioners relinquished his right by selling the property to the father of the de-facto complainant. It is alleged that the petitioners had forged a gift deed and a Title Suit is pending over the same. Injunction was granted but was thereafter vacated. The tenant of the petitioners has also filed a Title Suit. The gift deed is of 1964 when the petitioners were minors. They could not have possibly been responsible for preparing that registered deed. In any event the petitioners have never relied on that deed. It was the Power of Attorney holder of the petitioners who had filed a suit relying on the deed. He had thereafter prayed for withdrawal of the suit.

2. Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail by relying on other documents. A prima facie case is made out against the petitioners. There is no record of the deed in question as there was no ADSR in 1964.

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

4. It appears that the Title Suit that relied on the purported registered deed of 1964 was filed through the Power of Attorney and thereafter he had prayed for withdrawal of the suit.

5. It also appears that the bulk of the relevant documents have been seized by the Investigating Agency.

6. Considering the above and the other materials available in the case diary and the fact that a suit is still pending over the issue, I do not think that custodial interrogation of the petitioners is required in this case and I am inclined to grant anticipatory bail to the petitioners.

7. In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioners shall cooperate with investigation, shall not threaten and/or intimidate witnesses and shall meet the Investigating Officer once in a fortnight till submission of the report in final form.

8. The application for anticipatory bail is, thus, allowed.

9. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Jay Sengupta, J.)