

31/03/2026
D/L – 41
Court No.28
S. Kundu
Rejected

C.R.M.(A) 389 of 2026

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Howrah P.S case no. 526 of 2025 dated 16/12/2025 under sections 336(2)/336(f)/338/115(2)/351(2)/61(2)/3(5) of the BNS.

In the matter of: Md. Asgar Kamal @ Haji Md. Asgar Kamal & Anr.

...Petitioners.

Mr. Aniruddha Tewari

...for the petitioners.

Mr. Surendra Kumar Sharma

...for the de-facto complainant.

Mr. Arindam Sen

Ms. Debolina Das

...for the State.

1. Learned counsel appearing on behalf of the petitioners submits that the petitioners have been falsely implicated in this case. The power of attorney in question has never been acted upon.
2. Learned counsel appearing for the de-facto complainant opposes the prayer for anticipatory bail. He submits that pursuant to an order passed by this Court, the de-facto complainant had gone to the Investigating Officer and provided the photograph in question.
3. Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He submits that the prime allegation is that one of the brothers impersonated another brother to prepare a false power of attorney in favour of a third brother. Using such power of attorney,

the ancestral property was sold off. On 16/2/2026, after hearing the parties a photograph and identity document of the original Parveez Kamal i.e., the father of the de-facto complainant was directed to be submitted before the Investigating Officer so that the same can be compared with the document present in the original power of attorney/deed. The de-facto complainant has complied with the requirements. The comparison would clearly make out a case of impersonation.

4. Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case to grant anticipatory bail to the petitioners.
5. Accordingly, the application for anticipatory bail is rejected.
6. The personal appearance of the Investigating Officer is noted and is dispensed with.

(Jay Sengupta, J.)