

31.03.2026
Court No.28
Item No.392
tbsr
Allowed

CRM (A) 1026 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Hare Street** P.S. Case No.**62 of 2026** dated **25.03.2026** under Sections **336/338/340(2)/61(2)/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Rakesh Kumar Sing

....Petitioner.

Mr. Rajdeep Mazumder, Sr. Adv.
Mr. Moyukh Mukherjee
Mr. Kaustav Lal Mukherjee
Ms. Sagnika Banerjee
...for the petitioner.

Mr. Debasish Roy, Id. PP
Mr. Rudradipta Nandy, Id. APP
Ms. Nandini Chatterjee
.....for the State.

Mr. Soumya Nag
....for the de facto complainant.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The State, over a period of time, had been instrumental in trying to falsely implicate the petitioner for certain extraneous reasons. In this, the present de facto complainant is now playing a part as he is trying offset the assignments made by his mother of certain properties in favour of the petitioner. The petitioner presently is in custody in connection with Kasba P.S. Case No. 499 dated 27.10.2025. Although in that case there is an allegation of trespass and infliction of acid injury, but there is actually no injury inflicted. In fact, this Court has protected the petitioner in respect of several other criminal cases. In one NDPS case started by the State, the Division Bench of this Court granted bail by observing that the accused might not have committed the offence. The petitioner was

arrested in connection with the said Kasba P.S. Case on 27.10.2025. Two more criminal cases were started soon thereafter. In a proceeding under Section 129 of the BNSS initiated in this regard, the order of taking the petitioner into custody was quashed by a Co-ordinate Bench of this Court. This Court granted bail to the petitioner in another Arms Act Case started after passage of about three months from the date of arrest of the petitioner in respect of the Kasba P.S. Case. Immediately after the application for bail was released by a Co-ordinate Bench of this Court on his personal ground on 25.03.2026, the present FIR was lodged with the allegation that in one of the annexures present in the application, the signature of the mother of the de facto complainant had been forged. The prime contention of the de facto complainant was that since the said mother had passed away on 03.04.2022, she could not have signed the said letter on 30.03.2022. It is germane to mention that the petitioner had earlier paid for closure of mortgage taken by the said deceased mother on the said property. A deed of assignment was accordingly entered into assigning the 1st and 2nd floors of the property in favour of the petitioner. In terms of the settlement, the deceased had received in her bank account sums of money between 05.02.2022 and 30.03.2022. Incidentally, even after the death of the said mother of the de facto complainant, the de facto complainant kept on receiving sums of money in terms of such settlement and in fact a declaration was made in this regard on 26.02.2024. The allegation of forgery is levelled in respect of a letter of assignment for the 5th and 6th floors of the property. Reliance is placed on the papers supplied by the prosecution in respect of the Kasba P.S. Case. A compilation is

taken on record. There, by a letter written by the de facto complainant on 31.10.2025 to the Investigating Officer it was admitted that with the consent of the said mother of the de facto complainant, the petitioners were occupying the 5th and 6th floors of the property (wrongly mentioned as 4th and 5th floors). The present case is based on mere conjecture and surmise. No prima facie case is even made out against the petitioner in the instant case. Incidentally, the prayer for anticipatory bail of the de facto complainant was turned down by the learned Sessions Court a criminal case started by the present petitioner in Kasba P.S. Case No. 532 dated 13.11.2025 in respect of the said property. In spite of that the de facto complainant was not arrested and is moving freely at the locale.

Learned counsel appearing on behalf of the de facto complainant strongly opposes the prayer for anticipatory bail. He submits that by using a forged letter, an attempt is being made to grab a valuable property at the said premises. It is a different that there are litigations pending in respect of the property between the adverse sides. The letter in question could not have been written by the deceased mother because she was seriously ill at that time. The mother could not have given away all her rights in respect of the property by such letter. Her signature in the letter is disputed.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He refers to the other criminal cases against the present petitioner and submits that the petitioner is a history sheeter. He also submits that the original document in respect

of which the criminal case has been started needs to be seized and sent to an expert for verifying the authenticity of the signature.

At this stage, learned senior counsel appearing on behalf of the petitioner submits that the original document being the letter in question would be handed over to the Investigating Officer with a request to have the signature tallied before the CFSL.

It appears that there are litigations present between the private parties. In some matters, reliefs have been granted by this Court in favour of the petitioner. However, some more matters are still pending and the petitioner is in custody in connection with another case. A bail application is pending before a Co-ordinate Bench of this Court in this regard.

So far as the present case is concerned, the allegations are based on a supposed premise, as projected by the de facto complainant, that the ailing mother of the de facto complainant could not have written the letter in question only a few days before her death.

Considering the above, the other materials available in the case diary, the pendency of multiple proceedings between the adverse parties and the copy of the letter written by the de facto complainant to the Investigating Officer of the Kasba P.S. Case on 31st October, 2025, 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.

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 the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall cooperate with investigation, shall meet the I.O. as and when required, the petitioner shall not leave the jurisdiction of the concerned Court being learned CJM Alipore till two months from this date. Once the original letter is handed over by the petitioner to the Investigating Officer, the same shall be seized in accordance with law and kept in safe custody. The signature in question shall be verified by the Investigating Officer both from the CFSL as well as the QEDB, CID, Bhabani Bhawan, one after the other.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)