

27.04.2026
Court No.28
Item No.63
ssi

CRM (A) 1196 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Sonarpur Police Station Case No. 196 of 2026 dated 15.02.2026 under Sections 316(2)/318(4)/323/61 (2)/ 3 (5) of the BNS 2023 .

And

In the matter of: **Rabeya Mondal & others.**

.... Petitioners

Mr. Pawan Kr. Gupta
Mr. Shahriyar Karim Akhan
Ms. Sofia Nesar
Mr. Abhijit Bose
Mr. Santanu Seth

...for the petitioners

Mr. Angshuman Chakraborty

...for the de facto

Mr. Soumik Ganguly
Mr. Atanu Ghosh

..for the State

Learned counsel appearing on behalf of the petitioners submits as follows. It is alleged that the de facto complainant had purchased a property from the petitioner in 1986. The alleged deed contained a signature of the present petitioner no.1. The petitioner no.1 is now 75 years old. In 2025, she sold a property to a third person to the petitioner no.3. It was alleged that the petitioner no.1 could not have done so and accordingly, the FIR was lodged. Actually, the petitioner no.1 cannot even sign. That is why the deed of 2025 contains her thumb impression. After coming to know about the said FIR, the petitioner no.1 immediately lodged an FIR and also filed a title suit.

Learned counsel appearing on behalf of the de facto complainant submits that the property was indeed purchased in 1986. The de facto complainant was in possession of the same. But, the petitioners have dispossessed him in 2025. The record of rights incidentally stands in the name of the de facto complainant.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail. He relies on the copies of documents seized and statements of witnesses.

Although it is alleged that the petitioners were in possession of the property and was then dispossessed by the de facto complainant in the year 2025, there is no mention of the same in the FIR. Nor has any prior complaint has been lodged in this regard.

Considering the above, the other materials available in the case diary and the fact that the allegations also have a civil profile, 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.

In the event of arrest, the petitioners 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 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 conditions that the petitioners shall co-operate with the investigation and shall not threaten or intimidate the witnesses. The petitioner no.3 shall meet the I.O. once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)