

20.05.2026
Court No.28
Item No. 61
tbsr
Allowed

CRM (A) 1303 of 2026

In Re: - An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to Section 438 of the Code of Criminal Procedure, 1973 in connection with **Palashipara** P.S. Case No.**91 of 2026** dated **14.02.2026** under Sections **318(4)/338/336(3)/351(2)/3(5)** of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: Sadhan Mondal & Anr.

....Petitioners.

Mr. Arindam Jana
Mr. S. S. Mondal
Mr. Yuvraj Chatterjee
Mr. Saikat Guin
...for the petitioners

Mr. Koustav Lal Mukherjee
.... Amicus

Supplementary affidavit as filed on behalf of the petitioners is taken on record.

Copy supplied to the learned Amicus assisting the State.

Heard the learned counsels for the parties.

Perused the case diary.

It appears that the entire prosecution case is based on the claim of the de facto complainant that while the seller of the property died in 1989, the sale deed was executed in 1990. The only document which would show that the seller died in 1989 is a receipt for payment of a sum to the Cremation Committee. There is no death certificate whatsoever present in the case diary.

Considering the above and the other materials available in the case diary, 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 condition that the petitioners shall cooperate with investigation, shall not threaten or intimidate witnesses and shall meet the I.O. once a fortnight till submission of report in final form.

The application for anticipatory bail is, thus, allowed.

The presence of the Investigation Officer is noted and is dispensed with.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)