

AD 20
January 7, 2026
Ct. 28
SG

Allowed

CRM(A) 4051 of 2025

An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Khanakul P.S. Case No.648 of 2023 dated 09.10.2023 under Sections 419/420/406/465/467/468/471/34 of the IPC.

And

In the matter of:

Pintu Batabyal

... petitioner

Mr. Soumya Dasgupta
Mr. Ritankar Das

... for the petitioner

Mr. Madhusudan Sur, Id. APP
Mr. Md. Kutubuddin

... for the State

Mr. Avijit Ganguly

... for the de facto complainant

Learned counsel for the petitioner submits that the petitioner is a bona fide purchaser of a property without any notice of defect in title. A civil suit is pending between the petitioner and the de facto complainant. The conveyance of the property took place in 2015. An FIR was lodged by the de facto complainant in 2023. The petitioner does not stand on the same footing as the ones whose application for anticipatory bail was turned down earlier.

Learned counsel for the de facto complainant strongly opposes the prayer for anticipatory bail and submits that a prima facie case is made out against the present petitioner.

Learned counsel for the State opposes the prayer for anticipatory bail and refers to the statements of witnesses and the copies of documents collected. He submits that it is alleged by the de facto complainant that the property was “Debottor” and could not have been conveyed in such manner. Earlier, the applications for anticipatory bail of the deed-writer and the identifier were turned down by this Court.

It appears that the petitioner is the purchaser of the property in question by a sale deed that was executed in the year 2015. It does not appear that the petitioner stands on the same footing as ones whose prayer for anticipatory bail was rejected earlier.

Considering the above, the fact that the FIR was lodged in 2023 for an alleged illegal transaction that took place in 2015, the materials available in the case diary and the alleged role ascribed to the present petitioner, 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/- (rupees ten thousand) 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 the further conditions that the petitioner shall cooperate with the investigation, shall meet the investigating officer

once a fortnight till submission of report in final form and shall not threaten or intimidate witnesses.

The application for anticipatory bail is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)