23.11.2026
Court No.35.
D/L.144.
Rakib
(Allowed)

CRM (A) 3881 of 2026

In Re: An Application for Anticipatory Bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Baguiati Police Station case no. 227 of 2026 dated 15.05.2026 under Sections 316(2)/319(2)/338/340(2)/61(2) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Shibaji Show

.....Petitioner.

Mr. Abhra Mukherjee
Mr. Bijoybrata De
Mr. Arpayan Mukherjee
.....for the Petitioner.

Mr. Parmanand Sharma
Mr. Soumak Bera
Ms. Sharmistha Dey
.....for the State.

Learned advocate appearing for the petitioner submits that petitioner is a purchaser for consideration who has been foisted with the present criminal case. It is also submitted that a partition suit is pending between the parties.

Learned advocate appearing for the State opposes the prayer for anticipatory bail as the petitioner is trying to forcefully occupy the property and the property was purchased in course of the pendency of the Civil proceedings. Admittedly petitioner is not a co-sharer in respect of the property who has made any fraudulent representation but it is the petitioner who purchased the property.

Having considered the locus of the present petitioner and the fact that the civil case is pending *inter se* the co-sharers, I am of the

opinion custodial detention of the present petitioner may not be warranted in the facts of the present case. As such, prayer for anticipatory bail of the petitioner namely, **Shibaji Show** is **allowed.**

Accordingly, in the event of arrest, the petitioner shall be released on bail to the satisfaction of the Arresting Officer on such terms and conditions as he deems fit and proper 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 Bharatiya Nagarik Suraksha Sanhita, 2023.

As the investigation of the case is in progress, petitioner shall as and when called for by the investigating officer of the case, shall make himself available.

Accordingly, CRM (A) 3881 of 2026 is allowed.

The observations made above are only restricted for adjudication of the anticipatory bail application and should not be considered a final opinion on the merits of the case.

Memo of evidence submitted by the State be kept with the record.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Tirthankar Ghosh, J.)