

11/02/2026
D/L - 12
Court No.28
S. Kundu
Allowed

C.R.M.(A) 4386 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Kharagpour Local P.S case no. 937 of 2025 dated 17/10/2025 under Sections 329(3)/308(2)/308(4)/351(3)/3(5) of the BNS.

In the matter of: Mozammel Hussain @ Sk Mojammela Hossain @ Mastaan & Anr.

...Petitioners.

Mr. Koustav Bagchi
Ms. Priti Kar Bagchi

...for the petitioners.

Mr. Saibal Bapuli
Mr. S. S. Saha

...for the State.

1. Learned counsel appearing for the petitioners submits that the de-facto complainant has effectively challenged a gift deed executed by him and duly registered after about seven months of the date of registration by way of lodging of the present FIR alleging that the same was obtained at gun point. There was direction passed to examine eye-witness, if any.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. He relies on the statement of an eye-witness recorded before the Magistrate. It only states that he had seen the de-facto complainant in front of the land in question which was being measured. Somebody gave threat to the said de-facto complainant. Upon asking, the de-facto complainant stated that he had purchased the property and was measuring the same.

The other person declined to have himself examined as eye-witness to the incident.

3. Considering the above, the other materials available in the case diary and the fact that there is a delay in lodging the FIR considering the time of its registration after the alleged incident took place, I am inclined to grant anticipatory bail to the petitioners.
4. 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 further conditions that the petitioners shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioners shall meet the I.O once a fortnight till submission of report in final form.
5. Accordingly, the application for anticipatory bail is allowed.
6. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)