

CR MISC. CASE NO.828/2026

In the Court of Sessions Judge, Hooghly

Present: Sri Rintu Sur,
Sessions Judge (in-charge), Hooghly.

Order No.2 dated 15/06/2026

An application under section 482 of B.N.S.S. (u/sec.438 of the Cr.P.C.) is filed by the petitioner namely **Tapas Ghosh** in connection with Serampore P.S. Case No.236/2026 dated 10/05/2026 under sections 318(2)/127/336(2)/338/316(2)/331(5)/351/3(5) of B.N.S.

C.D. and T.C.R. are produced.

Ld. P.P.-in-charge, Hooghly conceded to the submission of the Id. Advocate of the petitioner that neither any bail application under section 438 of the Cr.P.C. (u/sec.482 of B.N.S.S.) is pending before the Hon'ble Court nor any such prayer has been rejected by the Hon'ble Court in respect of the petitioner.

Learned P.P.-in-charge, Hooghly raised strong objection against the prayer for anticipatory bail and submitted that CD reflects sufficient incriminating material against the accused petitioner regarding his involvement in the alleged incident.

On the other hand, learned counsel appearing on behalf of the accused petitioner submitted that the dispute involved in this case is completely civil in nature. Moreover, the husband of the complainant already transferred the disputed property in favour of the accused petitioner by executing a deed of sale and there is nothing in the record to show that the accused petitioner was involved in manufacturing or preparing forged document to deprive the complainant.

On perusal of the CD and from the submission of the learned counsel, I find that the accused petitioner was engaged to develop construction over the land owned by the husband of the complainant. It is also not disputed that the husband of the complainant registered a deed of sale in favour of the accused petitioner in respect of 800 sq.ft. flat. It is alleged by the complainant that the accused petitioner obtained signature of the husband of the complainant on some white papers and now he is trying to encroach the flat owned and possessed by the complainant by using that documents. It appears from the record that the husband of the complainant expired on 14/04/2020 but surprisingly till the complainant did not prefer any civil suit against the accused petitioner which is ultimate remedy. Moreover, the documents filed on behalf of the accused petitioner suggest that he is possessing the flat which was registered by the husband of the complainant. There is nothing in the CD in respect of the allegation of forgery and cheating. Moreover, the alleged incident started in the year 2020 but no complaint was lodged by the complainant thereafter and the instant case was initiated on the basis of court complaint filed on 03/06/2026.

Considering all the above, custodial interrogation of the accused petitioner appears to be unnecessary. Hence, the prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest, the petitioner may be released on bail upon furnishing bond of Rs.5,000/- with one registered surety of like amount, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the B.N.S.S.,2023.

Return the C.D. and T.C.R.

Thus, the Cr. Misc. Case is disposed of.

Let a copy of this order be tagged with the case record.

Dictated & corrected by me.

S.J.(i/c)

Sessions Judge(in-charge), Hooghly

J.O. Code WB00877