

**HIGH COURT OF TRIPURA
AGARTALA**

AB No.59 of 2024

Siddhartha Ghosh
Versus
The State of Triupra
---Appellant(s)
----Respondent(s)

For Appellant(s)	:	Mr. A. Bhaumik, Adv.
For Respondent(s)	:	Mr. Raju Datta, P.P. Mr. R. Saha, Addl. P.P.

HON'BLE MR. JUSTICE BISWAJIT PALIT

Order

30/11/2024

This bail application under Section 483 Cr.P.C is filed for granting pre-arrest bail to the accused petitioner Sri Siddhartha Ghosh in connection with Airport PS Case No.2023 ARP 050 under Section 120(B)/447/468/471/506 of IPC.

Heard Learned counsel Mr. A. Bhaumik representing the accused petitioner and also heard Learned P.P. Mr. Raju Datta along with Mr. R. Saha, Learned Addl. P.P. representing the state-respondents.

Taking part in the hearing Learned counsel appearing for the petitioner submitted that this is the second pre-arrest bail application filed by the petitioner before this High Court and this court by order dated 25.10.2024 in connection with AB No.55 of 2024 was pleased to reject the earlier pre-arrest bail application filed by this accused-petitioner. Learned counsel at this stage submitted that in the meantime the other accused persons who were FIR named have been released on bail from the court. This petitioner being a deed writer having a good reput if at this stage is sent to custody then his entire career would be doomed. It was further submitted that on the same subject matter a civil suit is pending before the Civil Court for adjudication amongst the rival

parties and in the said civil suit the present petitioner has not been made party even the District Registrar on the allegation of forgery has initiated a proceeding wherein the present petitioner was asked to appear and submit his written contention and accordingly he appeared. But no adverse order either from the Learned Civil court or by the District Registrar has been passed against the present petitioner. Learned counsel further submitted that since the process of online registration as initiated so the entire process was proceeded through online system and the petitioner being a Deed Writer prepared the deed on the requisition of the interested parties based on their documents. Learned counsel for the petitioner submitted that although the case has been registered under Section 120(B)/447/468/471/506 of IPC but none of the aforesaid provisions is applicable against the present petitioner and Learned counsel also submitted that this present petitioner being a reputed person is a law abiding person will definitely abide by the terms and conditions if bail is granted to him and there is no chance of absconding and he will not temper any evidence on record of the prosecution since the case was registered about a year back. Even from the Civil Court also there was no order passed against this present petitioner showing his involvement with the alleged offence and he referred few citations and urged for granting the pre-arrest bail.

Learned counsel referred one citation in **Rajender alias Rajesh alias Raju v. State (NCT of Delhi)** reported in **(2019) 10 SCC 623** wherein para No.10, Hon'ble the Apex Court observed as under:

"10. It is well-settled that in cases where the prosecution relies on circumstantial evidence to establish its case, such circumstances should be duly proved and the chain of circumstances so proved should be complete. This means that the chain formed must unerringly point towards the

guilt of the accused and not leave any missing links for the accused to escape from the clutches of law. Further, with respect to conspiracy, it is trite law that the existence of three elements must be shown-a criminal object, a plan or a scheme embodying means to accomplish that object, and an agreement or understanding between two or more people to cooperate for the accomplishment of such object."

Referring the same Learned counsel submitted that herein the case at hand there is no circumstance showing involvement of the accused with the alleged crime.

Learned counsel for the petitioner further referred another citation in **Ravidra Saxena v. State of Rajasthan** dated 15.12.2009 in CrI. A. No.2406 of 2009 reported in **(2010) 1 SCC 684** wherein in para No.12, Hon'ble the Apex Court observed as under:

"12. In our opinion, the High Court erred in not considering the application for anticipatory bail in accordance with law. The defence put forward by the appellant cannot be obliterated at this stage itself. We are also of the opinion, that the submission of the learned counsel for the appellant that the dispute herein is purely of a civil nature cannot be brushed aside at this stage. We, therefore, grant anticipatory bail to the appellant in the case pending on the basis of FIR No. 107 of 2007 registered at Police Station Vidhyadhar Nagar, Jaipur City under Sections 420, 467, 468, 120-B IPC now pending only under Sections 420 and 120-B IPC. It is directed that in the event of arrest the appellant shall be released on bail to the satisfaction of the investigating officer. It is also directed that the appellant shall join investigation as and when required."

Referring the same Learned counsel for the petitioner submitted that since there is a civil dispute going on amongst the rival parties so there is no scope to disallow the application filed by the petitioner at this stage.

Learned counsel Mr. Bhaumik further referred another citation in **Dilip Singh v. State of Madhya Pradesh & Anr.** dated 19.01.2021 in CrI. A. No.53 of 2021 reported in **(2021) 2 SCC 779** wherein para No.4, Hon'ble the Apex Court observed as under:

"4. It is well settled by a plethora of decisions of this Court that criminal proceedings are not for realisation of disputed dues. It is open to a court to grant or refuse the prayer for anticipatory bail, depending on the facts and circumstances of the particular case. The factors to be taken into consideration, while considering an application for bail are the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution; reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses; reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his abscondence; character, behaviour and standing of the accused; and the circumstances which are peculiar or the accused and larger interest of the public or the State and similar other considerations. A criminal court, exercising jurisdiction to grant bail/ anticipatory bail, is not expected to act as a recovery agent to realise the dues of the complainant, and that too, without any trial."

Referring the same Learned counsel submitted that in view of the principles of law laid down by the Hon'ble Apex Court considering the nature and gravity of the offence the petitioner may be released on bail as prayed for.

On the other hand, Learned P.P. representing the prosecution/State strongly opposed the bail application and submitted that this bail application is not maintainable as the similar bail application was earlier rejected by this court as referred by the petitioner and there is no new ground in the present petition to consider his bail application. Learned P.P. further submitted that the present petitioner identified a fake person and at his instance the subsequent forged deed was registered and he deprived the purchaser of the disputed land in question and furthermore the report of SFSL also clearly indicates that there was fabrication of document. He further referred few citations in support of his contention.

In **Srikant Upadhyay and Others v. State of Bihar & Anr.** dated 14.03.2024 reported in **(2024) SCC OnLine SC 282** wherein para No.25, Hon'ble the Apex Court observed as under:

"25. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant."

Referring the same Learned P.P. submitted that since in this case on the prayer of I.O. the Learned court below has issued warrant of arrest against him. So at this stage there is no scope to release him on bail.

Learned P.P. referred another citation reported in **Pratibha Manchanda and Another vs. State of Haryana and Another** reported in **(2023) 8 SCC 181** in para No.29 Hon'ble the Supreme Court observed as under:

"29. Land scams in India have been a persistent issue, involving fraudulent practices and illegal activities related to land acquisition, ownership, and transactions. Scammers often create fake land titles, forge sale deeds, or manipulate land records to show false ownership or an encumbrancefree status. Organized criminal networks often plan and execute these intricate scams, exploiting vulnerable individuals and communities, and resorting to intimidation or threats to force them to vacate their properties. These land scams not only result in financial losses for individuals and investors but also disrupt development projects, erode public trust, and hinder socioeconomic progress."

Referring the same Learned P.P. Mr. Datta submitted that considering the nature and gravity of the offence this present

anticipatory bail application has got no merit and accordingly the same is liable to be rejected.

Considered.

I have heard both the sides at length and perused the Case Diary produced by I.O. through Learned P.P.

It is the admitted position that earlier the similar bail application was disallowed by this court. It is also the admitted position that a civil dispute is going on amongst the rival parties. It is also the admitted position that by this time the principal accused and other accused have already been granted by bail by the court. From the Case Diary it appears that by this time on the prayer of I.O. warrant of arrest is issued against the present petitioner and also it appears that at the instance of the present petitioner the subsequent deed in question was prepared and this petitioner identified a person who was not the original executant of the land in question. So in view of the principle of law laid down by the Hon'ble Supreme Court as aforesaid this court finds no scope to consider bail application filed by the accused petitioner.

Hence, the anticipatory bail application filed stands rejected being devoid of merit. The accused may surrender to the Learned court below who shall dispose of the bail application if filed, in accordance with law on merit.

Let a copy of this order be sent to I.O. through Learned P.P. along with the case diary and also a copy of this order be communicated to the Learned Jurisdictional Magistrate.

With this observation, this bail application stands disposed of.

JUDGE

**MOUMITA
DATTA**

Moumita

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