

13.11.2019
SI No.52
KB/GSD

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM 989 of 2019

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 8th November, 2019 in connection with NJP Police Station Case No. 798 of 2019 dated 2.9.2019 under Sections 406/420/468/471/506/34 of the Indian Penal Code.

And

In Re: Mridul Kanti Das

... ... Petitioner

Mr. Debasish Saha

Mr. Bijay Bikram Das

... for the petitioner.

Mr. Arun Kr. Sarkar

Mr. Abhijit Sarkar

... ... for the State.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is a bona fide purchaser of a plot of land without any notice to any defect in the title. The defacto-complainant has alleged that although the property in question belongs to his forefathers, the same has been wrongfully conveyed to the petitioner by some other co-sharers. At best, the allegations give an inkling of a civil dispute.

Learned counsel for the State, in his usual fairness, submits that the petitioner is indeed the purchaser of the land in question. The petitioner has also complied with a notice under Section 41A of the Code.

Considering the fact that the allegations have a civil flavor and the fact that the petitioner has complied with the notice under Section 41A of the Code, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once a week till the submission of the report in final form and on further condition that the petitioner shall appear before the Court below and pray for regular bail within a fortnight from date.

The application for anticipatory bail being CRM 989 of 2019 is, thus, disposed of.

Certified website copies of this order if applied for, be immediately made available to the parties, subject to compliance with all requisite formalities.

(Jay Sengupta, J.)

(Subrata Talukdar, J.)