

15.09.2020

(Via Video Conference)

Court No. 19
Item No. 10
das/nandy

CRM 6496 of 2020
with
CRAN 1 of 2020

(anti-bail allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 28.08.2020 in connection with Matigara Police Station Case No. 817 of 2020 dated 07.08.2020 under Sections 406/420/465/468/471/34 of the Indian Penal Code.

and

In the matter of: **MD. Rouson Ali @ Md. Sobratu & Ors.**

..... Petitioners

Mr. Arjun Chowdhury, Advocate

.....for the Petitioners

Mr. Nilay Chakraborty, Advocate

Mr. Sourav Ganguly, Advocate

..... for the State

Petitioners undertake to affirm and stamp the petition/ application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The application being **CRAN 1 of 2020** is accordingly **disposed of**.

The learned Advocate of the petitioners submits that there is apparently negligible role attributed to the alleged commission of an offence so far as the petitioners are concerned. It is further submitted that civil proceedings have been initiated by the parties relating to the selfsame property which are still pending. Petitioners have been unnecessarily engulfed into the above mentioned case and apprehending arrest.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that a forged power of attorney was used for divestation of the immoveable property and the petitioners were the persons who introduced the de facto complainant.

After hearing the submissions advanced by the respective counsel and the materials available on record and the fact that civil suits are pending between the parties and the role of the present petitioners manifested as above, we do not think that it is a fit case where the petitioners' custodial interrogation is necessary.

Therefore, we are inclined to extend the privilege of the anticipatory bail under Section 438 of the Code of Criminal Procedure to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners, be released on bail upon furnishing a bond of Rs.10,000/- each (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 on further condition that they will cooperate with the investigation and shall meet the Investigating Officer as and when required.

The application being **CRM 6496 of 2020** accordingly **disposed of**.

(Tirthankar Ghosh, J.)

(Harish Tandon, J.)