

01.10.2020
Dly.01
Ct. No. 19
NB/AGM
Allow

CRM 7001 of 2020
CRAN 1 of 2020
(Via Video Conference)

In Re : An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.9.2020 in connection with Matigara P.S. Case No.196 of 2020 dated 09.03.2020 under Sections 447/420/465/468/471/34 and Section 120B of the Indian Penal Code.

And

In the matter of : **Khemlal Saibo**

..... Petitioner

Mr. Sayan De.

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Biswarup Roy.

...for the State.

Learned Counsel appearing on behalf of the petitioner submits as follows. The petitioner is in custody for about 50 days. The petitioner was not named in the First Information Report. However, he has been subsequently implicated by adding Section 120B of the Penal Code. The prime allegation is that in 2019, a sale deed was executed in favour of two others by using a forged power of attorney. The petitioner is neither the power of attorney holder nor was in any way involved in transaction. Because the registration could not have taken place inside the Army Barrack in question after sun set, upon a request the petitioner had let his house be used for the purpose of registration of sale deed. A prime accused in the present case was granted anticipatory bail by a Division Bench of this Court by an order dated 8th September, 2020 in CRM 5138 of 2020.

Learned Counsel appearing on behalf of the State opposes the prayer for bail. He submits that a Division Bench had subsequently

rejected the prayer for anticipatory bail of the concerned lawyer who had participated in registering of the sale deed.

Considering the nature of allegations, the role ascribed to the present petitioner and the length of custody already suffered by the petitioner, I am inclined to allow the prayer for bail of the petitioner.

Let the petitioner be released on bail subject to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount, one of whom shall be local and on condition that the petitioner shall meet the Investigation Officer once a week.

CRM No.7001 of 2020 along with **CRAN 1 of 2020** are disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)