

15.10.2020

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C.R.M. 7770 of 2020

In re: An application for bail under Section 438 of the Code of Criminal Procedure in connection with Jangipara P.S Case No. 97 of 2020 dated 04.06.2020 under Sections 468,471,420 and 406 of the Indian Penal Code.

And

In the matter of: Sunil Sinha Roy alias Sunil Singha Roy &
Ors. ...Petitioners.

Mr. Devajyoti Barman
Ms. Sanjukta Basu Mallick ... For the Petitioners

Mr. Saibal Bapuli
Mr. Arani Bhattacharyya ... For the State

Learned advocate for the petitioners submits that the petitioners have been falsely implicated in the instant case. It is further submitted that the dispute is in civil in nature. The petitioner no. 1 asserts that exclusive right of the property on the basis of the documents is disclosed in the petition.

The learned counsel for the State, however, opposes the prayer for anticipatory bail and submits that the document is forged and referred to pages 47 and 48 of the petition and the petitioner no. 1 had no right over the property.

Considering the rival contentions, the nature of the dispute, materials available on record and the extent of the complicity of the petitioners in the commission of alleged offence no custodial interrogation of the petitioners is not required.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-(rupees ten thousand) each together with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and on further condition that the petitioners shall cooperate with the investigation officer and shall meet with the I.O once in week and on further conditions that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and they shall appear before the trial court on every date of hearing either by themselves or their duly authorized representatives and in the event of absence the trial Court shall be at liberty to cancel the bail without further reference to this Court.

The application for anticipatory bail being CRM 7770 of 2020 is allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Soumen Sen, J.)

(Aniruddha Roy, J.)