

05.11.2020
Sl. No.46
akd
[ALLOWED]

C. R. M. 8356 of 2020 *[via video conferencing]*
(CRAN 1 of 2020)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 12.10.2020 in connection with Jorabagan Police Station Case No.121 of 2020 dated 03.08.2020 under Sections 381/408/120B of the Indian Penal Code.

And

In Re: ***Rabindra Nath Das***

... .. Petitioner

Mr. Sandipan Ganguly .. Sr. Advocate

Ms. Debjani Ghosh .. Advocate

... .. for the petitioner

Mr. Mayukh Mukherjee .. Advocate

... .. for the de-facto complainant

Mr. Narayan Prasad Agarwala .. Advocate

Ms. Manisha Sharma .. Advocate

... .. for the State

The petitioner claims to be a resident of a house on Pathurighata Street on the strength of the petitioner having served one of the branches of the Ghosh family residing at the premises. There is a dispute as to the petitioner's right to occupy any portion of the premises.

According to the petitioner, disputes within the members of the extended Ghosh family have led to complaints being lodged and civil proceedings being initiated and the petitioner has been caught in the middle without there being anything against the petitioner.

The de-facto complainants are represented and they claim that old artifacts have been removed by the petitioner from a portion of the building.

The State claims that the petitioner has not responded to a notice issued under Section 41A of the Code.

Though the petitioner says that he attended the police station but his presence was not recorded, considering the circumstances, the petitioner's immediate arrest may not be warranted. However, the petitioner must cooperate with the investigation and meet the investigating officer as and when directed, till the investigation is completed.

Subject to the above, in the event of arrest, the petitioner will be enlarged on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. In addition, the petitioner will abide by the conditions in Section 438(2) of the Code.

CRM 8356 of 2020 and the interim application therein are disposed of.

(Arijit Banerjee, J.)

(Sanjib Banerjee, J.)