

117 15.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 9979 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Serampore** P.S. Case No. **310 of 2020** dated **12/10/2020** under Section **419/420/465/467/468/120B/34** of the Indian Penal Code and under Sections **82** of the Indian Registration Act.

And

In the matter of: Tapas Bhaduri & Anr.

....petitioners.

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. A. Ganguly

...for the petitioners.

Mr. Firdous Samin

...for the defacto complainant.

Mr. S. Ghosh,
Mr. A. Datta

...for the State.

It is submitted on behalf of the petitioners that the alleged forged document is already in the control and custody of the investigating agency. No aggrieved person has lodged the complainant. Criminal proceeding was initiated by a lawyer who is not connected with the transaction.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that petitioner no.1 had impersonated as his elder brother Ashoke Bhaduri and had effected the transaction.

Learned counsel appearing on behalf of the defacto complainant also opposes the prayer for anticipatory bail and submits that the defacto complainant is the whistle blower. He lodged the first information report in order to unravel the deep rooted conspiracy in procuring bank loans on the strength of

suspicious and fraudulent transactions.

Statement of witnesses as well as the materials on record show that the alleged forged document is in the control and custody of the investigating agency. Impact of the incident and ambit of the conspiracy requires independent investigation with regard to the role of the public servants at the registration office as well as the bank officials. However, no complaint has been lodged by the owner of the land in question with regard to the alleged transaction as yet. Under such circumstances, we are of the opinion though custodial interrogation of the petitioners is not necessary, petitioners require to cooperate with investigation in accordance with law.

In the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that they shall meet the investigation officer once in a week until further orders.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)