

14/12/2020
Item No.153 DL
S.DE/AD
(Allowed)

C.R.M. 10322 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bidhannagar North P.S. Case No. 161 of 2020 dated 17.10.2020 under Sections 406/420/120-B of the Indian Penal Code.

And

In the matter of : Mrs. Sumita Chatterjee (Sinha Roy)

...Petitioner.

Mr. Nilendra Narayan Roy ...for the Petitioner.

Mr. Madhusudan Sur

Mr. Dipankar Pramanick ...for the State.

It is submitted on behalf of the petitioner that the transaction had occurred in 2016 and part payment had been made to the de facto complainant. Subsequently, the de facto complainant has instituted a criminal proceeding in 2020.

Learned counsel for the State submits that the mutation records of the property were fraudulently altered behind the back of one of the co-sharerers in 2017.

We have considered the materials on record. We note that the transaction took place in 2016. Whether the de facto complainant was aware of the alleged change in the mutation records or not is a matter to be assessed at the appropriate stage of the proceeding. As the prosecution would rely on the records which are maintained in the Department of Urban Development and Municipal Affairs, Government of West Bengal and the petitioner cannot be said to have control and custody over such records. Moreover, there is delay in lodging the first information

report. Hence, we are of the opinion that in the instant case petitioner may be granted anticipatory bail, however, subject to conditions.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand only) 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 the petitioner shall meet the investigating officer once in a week until further orders.

The application for anticipatory bail is thus disposed of along with the connected application.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)