

06.01.2020
 Sl. No.43
akd
 [ALLOWED]

C. R. M. 3 of 2020

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 02.01.2020 in connection with Mekhliganj Police Station Case No. 135 of 2018 dated 19.05.2018 under Sections 417/420/468/471/120B of the Indian Penal Code.

And

In Re: ***Mithu Singha Sarkar (Adhikary) & Anr.***

... .. Petitioners

Ms. Minoti Gomes .. Advocate

... .. for the petitioners

Ms. Faria Hossain .. Advocate

Ms. Baisali Basu .. Advocate

... .. for the State

Heard the learned advocate appearing for both the parties.

It is submitted on behalf of the petitioners that civil suit is pending between the parties over the selfsame plot of land. It is further submitted that there is no allegation that the petitioners had forged any document.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioners had unauthorisedly executed a gift deed in respect of the school land.

We have considered the materials on record. We note that the alleged deed is in the control and custody of the Investigating Agency. Civil suit is pending between the parties over the land in question. Under such circumstances, we are of the opinion that custodial interrogation of the accused/petitioners may not be necessary in the facts of the present case and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Mithu Singha Sarkar (Adhikary) & (2) Amitava Roy**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to

the satisfaction of the arresting officer and also be 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 appear before the court below and pray for regular bail within four weeks from date.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)