

23.02.2021
Item no.114
Court No.28
Avijit Mitra

C.R.M.343 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Khargram Police Station Case No.285 of 2020 dated 13.08.2020 under Sections 420/467/468/471 of the Indian Penal Code;

And

In Re : Md. Razel Khayer @ Rajel Khayer

.... petitioner

Mr. Pratip Kumar Chatterjee

....for the petitioner

Mr. S.S. Imam,

Mr. Arabinda Manna

..... for the State

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner's father was the owner of the land situated at dag no.2088 of Mouza – Nagar and the said land stood recorded in his father's name. Upon his demise, the petitioner became the owner of the said land and his name was accordingly incorporated in the record of rights. As such, the allegation that the deed no.1409 of 1999 pertaining to the dag no.2088 is a fake document, is absolutely unfounded. In support of such contention he has placed reliance upon the record of rights pertaining to the said land, as annexed to this application.

He further submits that the deed was executed in the year 1999 whereas the complaint has been lodged in the month of October, 2020 and in the said conspectus, custodial interrogation of the petitioner is not warranted.

Pursuant to our earlier order dated 27th January, 2021, a report has been filed wherein it has been *inter alia* recorded that

the original deed no.1409 of 1999 was executed by one Lalit Mohan Kundu, son of late Kamala Kanta Kundu.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, *prima facie* we are of the opinion that there are materials disclosing the involvement of the petitioner in the alleged offence and as such the petitioner is not entitled to the privilege of the anticipatory bail.

Accordingly, the application being C.R.M. No. 343 of 2021 is dismissed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)