

07.04.2021

CRM 581 of 2021

Court No. 28
Item No. 41
snandy

(anti-bail allowed)

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 14.01.2021 in connection with Chanditala Police Station Case No. 298 of 2020 dated 14.10.2020 under Sections 420/120B/34 of the Indian Penal Code.

and

In the matter of: **Ashoke Kumar Das @ Ashoke Das**

..... Petitioner

Ms. Minoti Gomes, Advocate

Mr. Palash Bapari, Advocate

.....for the Petitioners

Mr. Prasun Kumar Dutta, Advocate

Mr. Santanu Deb Roy, Advocate

..... for the State

Apprehending arrest in connection with Chanditala Police Station Case No. 298 of 2020 dated 14.10.2020 under Sections 420/120B/34 of the Indian Penal Code, the petitioner has filed the instant application for Anticipatory Bail.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in the instant case and had no interest in the subject property and he simply stood as a witness to the alleged forged sale deed.

The learned Advocate for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the statement of witnesses.

We have perused the materials in the case diary as also the statement of the witnesses. Having regard to the nature of allegations and the fact that the remedy of the aggrieved person is to be decided by the Civil Court, we are of the opinion that custodial detention of the petitioner may not be warranted in the facts and circumstances of the present case.

As such, the prayer for anticipatory bail is **allowed**.

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 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 of the case as and when called for.

The application being **CRM 581 of 2021** accordingly **disposed of.**

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)