

15.03.2021
Mithun
Sl. No.03
D/L.
Ct.No.30.

CRM/1582/2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973.

In the matter of : Uttam Debnath @ Uttam Chandra Debnath.

...the petitioner.

Mr.Kaushik Chowdhury, Adv.

... for the petitioner.

Mr.Saswata Gopal Mukherjee, Ld.P.P.,
Mr. Sudip Ghosh, Adv.,
Mr.Apurba Kumar Datta, Adv.

...for the State.

Having heard the learned Advocate for the petitioner and the learned P.P.-in-Charge and on careful perusal on materials on record as well as the case diary, it is ascertained that the petitioner is the purchaser of a disputed plot of land from a person other than the lawful owner of the said land who impersonified himself as the lawful owner. It is submitted by the learned Advocate for the petitioner that the petitioner being the bonafide purchaser on valuable consideration cannot be prosecuted in the instant case as he did not know whether the seller of the property impersonified himself as the real owner and committed cheating on him.

On perusal of the case diary carefully, I find that the Investigation Officer has been able to collect incriminating materials against the petitioner. Practically the petitioner was in wrongful and adverse possession of the land since 2004. Subsequently, they started constructing a house over the said land. The investigation reveals that when the question of ownership over the said land came to fore, it is the petitioner who in collusion with local Amin and other persons posed the seller of disputed land as the real owner and thereby committed cheating and forgery upon the de facto complainant.

Considering the above materials on case diary I am not inclined to release the petitioner on bail. Petitioner is refused at this stage.

(Bibek Chaudhuri, J)