

12.08.2021

CRM 1970 of 2021

**Court No.28
Item No.298
(Allowed)**

**Akd
&
As**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Jamuria Police Station Case No. 355 dated 07.12.2020 under Sections 420/405/34 of the Indian Penal Code;

And

In the matter of : **Dharmadas Ghosh**

...Petitioner

**Mr. Monish Sen,
Ms. Antara Pathak,
Ms. Oisani Mukherjee.**

...For the Petitioner

**Mr. Swapan Banerjee,
Ms. Purnima Ghosh.**

...For the State.

Apprehending arrest in connection with Jamuria Police Station Case No. 355 dated 07.12.2020 under Sections 420/405/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

Apparently the dispute pertains to title of the petitioner in the property and his right to convey the same for consideration. It is basically a civil dispute amenable to be adjudicated by the Civil Court. The provisions of Criminal Law has been activated on such flimsy ground despite the fact that the registered deeds executed by the petitioner and subsequently by his purchaser is not spurious, forged and/or fabricated. Whether the petitioner has alienable right or not can only be decided in a civil proceeding and, therefore, we do not think that the custodial interrogation of the petitioner is at all necessary.

Accordingly the prayer for anticipatory bail is allowed.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.2,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station subject to the condition that he shall appear before the Trial Court on every date of hearing and on further conditions as laid down under Section 438(2)

of the Code of Criminal Procedure.

In the event, the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass an appropriate order in accordance with law without further reference to this Court.

The application for anticipatory bail, being CRM 1970 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)