

26.02.2021
Mithun
Sl. No.01
D/L.
Ct.No.32

CRM/2157/ 2021

In Ref: An application under Section 439 of the Code of Criminal Procedure, 1973, order dated 15.02.2021 passed by the learned Court of Chief Judicial Magistrate at Hooghly of the petitioners in connection with Chinsurah Police Station Case No.402 of 2020 dated 07.12.2020, under Sections 420/406/323/511/34 of the Indian Penal Code.

In the matter of : Smt.Gopa Rani Dey @ Gopa Dey & Anr.

...the petitioners.

Mr. Debasis Kar, Adv.,
Mr. Husen Mustafi, Adv,
Mr. Subhajit Chowdhury, Adv.

... for the petitioners.

Mr.Ranabir Ray Chowdhury, Adv.
Mr.Mainak Gupta, Adv.

...for the opposite party.

Learned Counsel appearing on behalf of the petitioner submits as follows: The petitioner No.1 is the wife of the petitioner No.2. The de-facto complainant initiated the impugned proceeding by filing an application under Section 156(3) of the Code and alleging that the accused had taken some earnest money for selling a property, but did not complete the sale. The petitioners dispute their signatures on the purported money receipt/s. A co-accused being the son of the

present petitioners was granted bail on the date of surrender. The present petitioners are in custody for about 27 days. The dispute in question is substantially civil in nature. The signatures of the petitioners have already been collected by the investigating agency for the purpose of comparison.

Learned Counsel for the State opposes the application for bail and submits that a prima facie case has been made out against the petitioners.

Considering the nature of allegations and the custody already suffered by the petitioners, I am inclined to allow the application for bail.

Let the petitioners be released on bail subject to the satisfaction of the Chief Judicial Magistrate, Chisurah, Hooghly on furnishing bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local.

The petitioners shall cooperate with the investigation of the case.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)