

17.
04-10-2021
(ct. no.32)
debajyoti

CRM 2373 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Amta Police Station Case No.16 of 2021 dated 18-01-2021 under Sections 419/420/464/465/471/506/34 of the Indian Penal Code.

- A n d -

In the matter of : Anil Kumar Marik & Ors.

.... Petitioners.

Mr. Pradip Kumar Mondal,
Mr. Subhas Chandra Marik

... For the Petitioner.

Mr. Madhusudan Sur, learned APP,
Mr. Arijit Ganguly,
Mr. Avik Ghatak

... For the State.

Mr. Surajit Roy

... For the defacto-complainant.

Affidavit filed by the defacto-complainant in terms of the earlier order of this Court be taken on record.

The allegation against the petitioners is that they forged a Power of Attorney and on the basis thereof, sold the land belonging to the defacto complainant's father to third parties, when, in fact, such land had been sold by the owner much before to other persons.

We have seen the material on record. The dispute between the parties ultimately seems to be of a civil nature. The original Power of Attorney has been handed over to the Investigating Officer.

On an overall assessment of the facts and circumstances of the case and the nature of the allegations, we are of the view that immediate custodial interrogation of

the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Anil Kumar Marik**, **Subir Marik** and **Sampa Marik**, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioners shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure. The petitioner nos.1 and 2 shall meet the Investigation Officer once in every fortnight till completion of the investigation.

In the event the petitioners fail to adhere to any of the conditions stipulated above, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2373 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**