

CRM No.3217 of 2021

Via video conference

04.06.21

(S.R.)

Sl.47

Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Labpur** Police Station Case **No.116 of 2020** dated **08/09/2020** under Sections **420/468/469/471** of the Indian Penal Code and Sections 81 and 82 of the Indian Registration Act (G.R. Case **No.671 of 2020**);

And

In re: Md. Anowar Hossain @ Anowar Hossain ... petitioner.

Ms. Ameena Kabir

... for the petitioner.

Mr. Saibal Bapuli, APP

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

...for the State.

Ms. Kabir, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated on an allegation that he had been the signatory as a witness in a fake deed of gift. A co-accused person, similarly situated with the petitioner, has already been granted anticipatory bail by a coordinate bench of this court on 12th March, 2021 in an application being CRM No.11177 of 2020. Upon completion of investigation charge sheet has already been submitted and as such, custodial detention/interrogation of the petitioner is not necessary.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioner's prayer and submits that there are materials which disclose the involvement of the petitioner in the alleged offence. Let the memo of evidence, as produced, be kept on record.

It appears that the dispute has a civil profile. A co-accused person had already been enlarged on bail by a coordinate bench of this court. Considering the nature of allegations as levelled against the petitioner and the extent of his complicity in the alleged offence, we are of the opinion that custodial interrogation is not warranted in the facts

and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Md. Anowar Hossain @ Anowar Hossain**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, 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.

Accordingly, the application for anticipatory bail being CRM No.3217 of 2021 is allowed.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)