

21.12.2021
cm/ct 28
sl no. 22

C.R.M. 6764 of 2021

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with English Bazar P.S Case No. 753 of 2021 dated 03.07.2021 under Sections 406/420/506/34 of the Indian Penal Code.

And

Allowed

In Re : Md. Moklesh Mia & Anr.

..... petitioners

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

..... for the petitioners

Mr. Binay Panda

Mr. Subham Bhakat

..... for the State

It is submitted on behalf the petitioners that the instant case arose out of a civil dispute and they have been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioners refused to register a deed in spite of receipt of sale consideration.

We have considered the materials on record and keeping in mind the facts and circumstances of the case in the light of the submission that there is a civil dispute between the parties, we are of the opinion custodial interrogation is not necessary and petitioners may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition petitioner No.1 shall meet investigation officer once in a week.

Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 6764 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)