

22.12.21
(S.R.)
Sl.218
Ct.32

CRM No.7509 of 2021
Via video conference

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Suti** Police Station Case No.332 of 2021 dated 28/08/2021 under Sections 417/420 of the Indian Penal Code;

And

In re: Jayanta Mondal

... petitioner.

Mr. Debapriya Samanta
Mr. Samrat Ghosh

... for the petitioner.

Mr. Prasun Kr. Dutta, APP
Mr. Subrato Roy

...for the State.

Apprehending arrest the instant application is filed praying for anticipatory bail.

Mr. Samanta, learned lawyer for the petitioner submitted that this is basically a civil dispute between the parties, which is to be decided by appropriate Civil Court of competent jurisdiction. Nothing is there to show that the present petitioner is guilty of any criminal offence. Therefore, according to learned lawyer, custodial interrogation is not necessary for investigation of the matter. Accordingly, the anticipatory bail is prayed for.

Per contra, Mr. Dutta, learned lawyer representing the State submitted that there are strong incriminating elements against the present petitioner indicating that the petitioner is instrumental in making false entry in the records of BLLRO. Investigation is in progress. Therefore, anticipatory bail should not granted at this stage so that further truth in this regard may be unearthed on custodial interrogation of the present petitioner. However, the learned lawyer candidly admitted that, *prima facie*, nothing is there to show that

manufacturing or forgery of any deed or document is involved

We have heard rival submissions and perused the case diary. On perusal of the case diary, we are unable to find any material to evince that any deed or document is/was manufactured at any point of time. *Prima facie*, it appears to be a civil dispute, which can be challenged in any court of competent jurisdiction. Even a false entry made by BLLRO may be dealt with in accordance with law but that itself does not constitute a criminal offence as it appears from the case diary. We are also of the view that having regard to the nature of allegations and available materials, custodial interrogation of the present petitioner is not necessary.

Accordingly, we exercise our discretion and allow the anticipatory bail on 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 with a further condition that during investigation, the petitioner shall not leave the jurisdiction of **Suti Police Station** without permission of the investigating officer. The petitioner has also been directed to assist investigation by providing all the necessary documents and deeds, as may be required by the investigating officer and shall meet with the investigating officer once in a week till investigation is over.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further

reference to this Court.

The application for anticipatory bail being CRM No.7509 of 2021 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)