

29.06.21

(S.R.)

Sl.37

Ct.30

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Serampore** Police Station Case **No.310** dated **12/10/2020** under Sections **419/420/465/467/468/120B/34** of the Indian Penal Code and Section 82 of the Indian Registration Act;

And

In re: Ayan Pakrashi

... petitioner.

Mr. Sekhar Bose

... for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

Mr. A.K. Datta

...for the State.

Mr. Bose, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated. No complaint had been lodged by the owner of the land in question with regard to the alleged transaction. Similarly situated co-accused persons have already been granted anticipatory bail. Upon completion of investigation charge sheet has also been filed and as such, custodial interrogation of the petitioner is not necessary.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

It appears that on the basis of an application under Section 156(3) of the Code of Criminal Procedure, Serampore Police Station Case No.310 of 2020 dated 12th October, 2020 was registered. In the same, the *de facto* complainant alleged, *inter alia*, that there was a deep rooted conspiracy in procuring bank loans and as regards transfer of properties. It appears from the statement of witnesses that the alleged forged document is in the control and custody of the

investigating agency.

Considering the nature of allegations and the fact that co-accused persons similarly situated with the petitioner had been granted anticipatory bail, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioner 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.

The application for anticipatory bail being CRM No.10899 of 2020 is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)