

08.03.2022

Court No.32

SM,J.

rpan / **65**

CRM (A) 639 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: **Nasira Begum @ Nasiba Begum & Others**

- Petitioners

Mr. Golam Mostafa,

Mr. Samirul Sardar

... for the Petitioners.

Mr. Saibal Bapuli,

Mr. Bibaswan Bhattacharya

... for the State.

Apprehending arrest in connection with Burwan Police Station Case No.331 of 2021 dated 23.11.2021 under Sections 419/420/467/468/471/34 of the Indian Penal Code, the petitioners have filed the application, praying for anticipatory bail.

Mr. Mostafa, learned lawyer appearing for the petitioners submitted that genesis of the present complaint is a land dispute pending between the *de facto* complainant and the present petitioners and sequel of ongoing hostilities between the parties. He further submitted that the petitioners lodged a criminal complaint against the *de facto* complainant alleging forgery of documents related to land and landed property belonging to the present petitioners. According to him, custodial detention is not necessary, since evidences are mostly documentary in nature and he prayed for anticipatory bail on any stringent condition.

Mr. Bhattacharya, learned lawyer appearing for the State opposed the anticipatory bail application on the ground that there are allegations against the present petitioners related to forgery of

documents. Since allegation is serious, he opposed grant of anticipatory bail, more so when investigation is pending.

We have heard the rival submissions and perused the C.D.

Civil disputes and litigations are pending between the parties, as submitted. In our considered opinion, since evidence are mostly in documentary in nature, custodial detention of the present petitioners is not necessary, particularly when investigation has progressed a lot.

Accordingly, we are inclined to allow the present application for anticipatory bail and direct that in the event of arrest, the petitioners, namely, **Nasira Begum @ Nasiba Begum, Motiur Rahaman** and **Azizur Rahaman** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each 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 direction that the petitioner nos.2 and 3 shall meet with the Investigating Officer of the case once a week till pending of the investigation and shall cooperate with investigation.

It is further directed that the petitioners shall attend the Learned Court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioners fail to comply with the aforesaid directions, without any justifiable cause, the Learned Court below

shall be at liberty to their bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 639 of 2022 is, thus, 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.)