

24.02.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 921 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malipanchghora** Police Station Case No. **32** of **2022** dated **10.02.2022** under Sections 341/325/323/506/406/408/419 420/467/468/471/472/34 of the Indian Penal Code, 1860.

And

In Re : Krishna Shekhar Mishra & Anr.

..... petitioners

Mr. Kallol Mondal

Mr. Krishan Roy

Mr. Souvik Das

Mr. Anamitra Banerjee

....for the petitioners

Mr. Ayan Bhattacharya

Mr. Abhijit Sarkar

....for the de-facto complainant

Mr. Sudip Ghosh

Mr. A. K.Dutta

Mr. Bitasok Banerjee

....for the State

Petitioners seek anticipatory bail.

Learned advocate appearing for the petitioners submits that, there is a civil suit pending between the private parties relating to the self-same subject matter of the police complaint. He submits that, the original document was lying with the deceased father of the de-facto complainant. In support of such contention he relies upon the pleadings in paragraph 6 of the plaint of the title suit filed by his client.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary.

Learned advocate appearing for the de-facto complainant submits that, the order of the Civil Court is not binding upon the Criminal Court. He further submits that, the suit is not maintainable, *inter alia*, on the ground that the document is without any consideration and in any event is an impoundable document. He also submits that, the suit was filed subsequent to the filing of the complaint with the police.

Considering the gravity of the offence and considering the fact that there is a civil suit pending on the validity of the document over which, the allegations is of forgery in the present police complaint and considering the fact that the Civil Court passed an order on such suit, we grant anticipatory bail to the petitioners.

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 that the petitioners shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on condition that the petitioners shall appear before the

jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)