

27.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1910 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raniganj** Police Station Case No. **584** of **2021** dated **03.11.2021** under Sections 379/420/406/468/471/120B of the Indian Penal Code, 1860.

And

In Re : Amita Bachan Ruidas

..... petitioner

Mr. Moloy Bhattacharya

Mr. S. Ghosh

....for the petitioner

Mr. Santanu Deb Roy

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner is a bonafide purchaser of a motor vehicle not knowing that the owner of the vehicle did not sell the vehicle to the vendor of the petitioner. He submits that subsequent to the purchase, the petitioner registered the vehicle in his name with the appropriate authority.

Learned advocate appearing for the State submits that, the vehicle belonged to one person who entrusted it to the

second person. The second person sold the vehicle to the petitioner after making forgery.

In the facts of the present case, the issue as to whether the petitioner is a bona fide purchaser or not in respect of the vehicle with notice of the alleged forgery is required to be decided. On the materials available in the case diary, it cannot be said at this stage that, the petitioner was aware of the forgery.

In such circumstances, we grant anticipatory bail to the petitioner.

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, 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 petitioner shall meet the Investigating Officer as and when called for till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in

Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)