

10.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2095 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hanskhali** Police Station Case No. **161** of **2022** dated **21.02.2022** under Sections 447/376/511 of the Indian Penal Code, 1860.

And

In Re : Nirmal Biswas @ Nirmal Kumar Biswas

..... petitioner

Ms. Sananda Bhattacharya

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Mr. Arindam Sen

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, there is a title suit pending between the petitioner and his son. The petitioner is now sought to be falsely implicated by the daughter-in-law.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

There is a civil suit pending between the private parties being T.S. No. 9 of 2022 in which, there is an order dated January 11, 2022 directing the defendants therein not to change the nature and character of the suit property. Such defendants were also directed not to disturb the peaceful possession of the petitioner over the suit property till the next date.

The contention of the petitioner that he was falsely implicated by such civil dispute cannot be discounted at this stage. Consequently, 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 once in a month 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.)