

06.06.2022.
70.

(S. Banerjee)

(Rejected)

C.R.M.(A) 2308 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.05.2022 in connection with Uttarpara P. S. Case No.42 of 2022 dated 07.02.2022 under Sections 420/406/467/468/469/120B of the Indian Penal Code.

In the matter of : Tapas Mondal

... Petitioner

Mr. Mohammad Mahmud
Mr. Mahfuzus Salam Mollha
Mr. Shyamolendu Mondal

.....for the Petitioner.

Mr. Debabrata Chatterjee
Ms. Sonali Das

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. Co-accuseds have been granted pre-arrest bail.

Learned Advocate for the State opposes the prayer for anticipatory bail.

Learned advocate for the de facto complainant submits that a forged power of attorney was manufactured in favour of the petitioner who dishonestly conveyed property on the strength of the forged document to co-accuseds who have been granted pre-arrest bail.

We have considered the material on record. Forged power of attorney was manufactured in the name of the petitioner. On the strength of such forged document the petitioner dishonestly conveyed property to co-accuseds. Co-accuseds, being bona fide purchasers for value, have been granted pre-arrest bail. Petitioner is the direct beneficiary of the forgery and had knowingly used the forged document.

Hence, petitioner does not stand on the same footing with co-accuseds who have been granted pre-arrest bail and in the light of his prima facie involvement in the forgery, we are not inclined to grant him anticipatory bail.

This application for anticipatory bail is, thus, rejected.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)