

16.06.2022

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Allowed

C.R.M.(A) 2366 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Labpur Police Station Case No. 78 of 2022 dated 11.05.2022 under Sections 420/468/469/471 of the Indian Penal Code and Sections 80/82 of the Indian Registration Act, 1908.

And

In Re : Jahanura Bibi & Anr. petitioners

Mr. Tapas Kumar Ghosh
Mr. Tanmoy Chowdhury
.....for the petitioners

Mr. Madhu Sudan Sur, learned APP
Mr. Manoranjan Mahata
....for the State

Learned Counsel appearing for the petitioners submits there is a civil dispute between the parties and de facto complainant filed civil suit over the selfsame land but failed to obtain an order of injunction. Subsequently, they have resorted to criminal law and instituted a number of cases.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail and produces the case diary.

We have considered the materials on record. Allegations of fraud requires to be assessed in the backdrop of the pending civil dispute between the parties.

In view of the aforesaid facts, we are inclined to 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 condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)