

20 12.07.2022
(AD)
Court No.29
(Allowed)

C.R.M. (A) 3281 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tala** P.S. Case No.**52 of 2022** dated **18/06/2022** under Sections **406/385/34** of the Indian Penal Code, 1860.

And

In the matter of: Debashis Mondal & Ors.

....petitioners.

Mr. Amitabha ghosh
Ms. Nabanita Chatterjee

...for the petitioners.

Mr. Sudip Ghosh
Mr. Bitasok Banerji
Mr. D. N. Banerji

...for the State.

Petitioners pray for anticipatory bail.

Learned Advocate appearing for the petitioners submits that the de facto complainant registered a deed of gift in favour of the petitioner no.5 in the year 2006. The present police complaint was lodged falsely implicate the petitioners.

Learned Advocate appearing for the State submits that the dispute is not limited to the deed of gift spoken of. The petitioners are now trying to capture other portions of the immovable property.

There is an element of civil disputes involved between the private parties.

In such circumstances, 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/- (Rupees Ten Thousand Only) each with two sureties

of like amount each to the satisfaction of the Arresting Officer and also 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 nos.1,2,3 and 5, namely, Debashis Mondal, Nitya Nanda Das, Alokesh Paik and Swapan Kumar Paiek, will report before the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no.4, namely, Sarama Paiek, will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioners shall appear on every date 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 3281 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)