

26.07.2022

08

Ct. No. 29

**KAUSHIK**

Allowed

**C.R.M.(A) 3448 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bhutni** Police Station Case No. **94** of **2022** dated **11.06.2022** under Sections 420/465/468/471/34 of the Indian Penal Code.  
And

In Re : Fanibhusan Sarkar & Ors.

..... petitioners

Mr. Arup Kumar Bhowmick  
....for the petitioners

Mr. S. S. Imam  
Mr. Arabinda Manna  
....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. There is a civil suit pending in respect of the immovable property concerned being T.S. No. 177 of 2021 in the Court of the Civil Judge, Junior Division, 1<sup>st</sup> Court, Malda.

Learned advocate for the State draws the attention of the Court to the materials in the case diary. He submits that, the petitioners are claiming title through a Gift Deed in respect of an immovable property, where the owner died much prior to the alleged execution of the Deed of Gift.

There is a civil suit pending in respect of the immovable property concerned.

The immovable property involved in the police complaint is also involved in such suit. The civil suit was filed prior to the lodgment of the police complaint.

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/- 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 further condition that the petitioners shall meet the Investigating Officer once a month 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.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**

