

17.02.2022

Court No.32
rpan/198

C.R.M. 8720 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Goalpokhor Police Station Case No.391 of 2021 dated 19.10.2021 under Sections 420/468/471/109/ of the Indian Penal Code, 1860;

And

In re: **Bijoy Singha & 3 Others**

- Petitioners

Mr. Shaharayar Alam

... for the Petitioners.

Mr. Binay Panda,

Mr. Subham Bhakat

Ms. Pushpita Saha

... for the State.

Let the supplementary affidavit, filed by the petitioners, be kept on record.

Mr. Alam, learned advocate appearing for the petitioners, submits that during pendency of the present application, the petitioner no.1 has already been arrested. In view thereof, the application, so far as the petitioner no.1 is concerned, is dismissed as 'infructuous'.

He further submits that the petitioners have been falsely implicated. The allegations levelled against them are unfounded. There is an existing partition suit between the petitioner nos.1 and 2 and the *de facto* complainant. Considering such circumstances, prosecution issued a Section 41A notice and the petitioners have complied with the same. In the said conspectus, custodial interrogation may not be necessary.

Mr. Panda, learned advocate appearing for the State, however, vehemently opposes the petitioners' prayer and submits that they are directly involved in the alleged offence. In support of such contention he has drawn our attention to the statements of the witnesses.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, the matter pertains to documentary evidence. The deeds, in question, have already been seized. The petitioners have also complied with Section 41A notice. In the said conspectus and considering the nature of accusation and as, *prima facie*, the dispute has a civil profile, we are of the opinion that custodial interrogation of the petitioner nos.2-4 is not necessary and their prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest the petitioner nos.2-4, namely, **Chaiti Singha, Md. Quamruzzama @ Md. Kamruljama** and **Safik Alam @ Safique Alam** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner nos.3 and 4 shall meet with the Investigating Officer of the case once a fortnight till investigation is over.

It is further directed that the petitioner nos. 2-4 shall attend the learned trial court on all the dates specified for hearing and

shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

It is made clear that in the event the petitioner nos.2-4 fail to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel their bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 8720 of 2021 is partly allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)