

51 06.04.2022
(AD) Court No.29
(Allowed)

C.R.M. 8721 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Falta** P.S. Case No.**290 of 2021** dated **09/10/2021** under Sections **468/471/473/420** of the Indian Penal Code, 1860 now pending as G.R. Case No.2788 of 2021.

And

In the matter of: Md Jahirul Islam Shaikh @ Jahir Islam Sk
....petitioner.

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Sudipta Maitra, Sr. Adv.
Mr. Dwarika Nath Mukherjee
Mr. Ayan Bhattacharya
Mr. Ratul Biswas
Mr. Pawan Kumar Gupta
Mr. Kaushik Chowdhury
Ms. Sofia Nesar
Mr. Santanu Sett
Mr. Ishan Bhattacharya

...for the petitioner.

Mr. Saswata Gopal Mukherjee, Ld. PP
Mr. Madhusudan Sur, Ld. APP
Mr. Manoranjan Mahata

...for the State.

Mr. Debashis Roy
Mr. Sourav Chatterjee
Mr. Soumya Nag

... for the de facto complainant.

Petitioner seeks anticipatory bail.

Learned Senior Advocate appearing for the petitioner submits that the petitioner is running a nursing home and a school at a locale. The petitioner obtained requisite permissions from time to time to operate the two institutions. At this stage, it is alleged as against the petitioner that the building plan was forged. He submits that there are several false allegations against the petitioner.

Learned Public Prosecutor appearing for the State draws

the attention of the Court to the materials in the case diary. He submits that the building plan and other allied documents were sent to the questioned document examination bureau, which opined that the signature of the Pradhan on the building plan was forged. Moreover, the seal of the government used was forged. He submits that it is essential that the police are allowed to undertake custodial interrogation of the petitioner in order to unearth the ambit of the forgery.

Learned Advocate appearing for the de facto complainant submits that the licence to grant the nursing home by the petitioner was revoked.

In response, learned Senior Advocate appearing for the petitioner submits that the petitioner possesses requisite licence to run the nursing home. He denies the allegations levelled as against his client by the State and de facto complainant.

Apparently, the police seized the documents which were required and sent the same for examination to the questioned document examination bureau. There is a report of questioned document examination bureau.

In the facts of the present case, since the allegations revolve around documents which are already in the custody of the police, we deem it appropriate to enlarge the petitioner on anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 will report before the Investigating Officer once a month till the conclusion of the investigation and on condition that the petitioner shall appear every day 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. 8721 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)