

15.11.2022

Sl.36

Court No.29

(AD)

(Allowed)

C.R.M. (A) 4730 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Muchipara** Police Station Case No. **54** of **2022** dated **19.03.2022** under Sections **120B/420/467/471** of the Indian Penal Code corresponding to G.R. No.243 of 2022.

And

In the matter of: **Kishor Dey**

....petitioner.

Mr. Jaydeep Biswas

Mr. Kaushik Ghosh

...for the petitioner.

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

...for the State.

Mr. Ayan Bhattacharya

Mr. Anand Keshri

Mr. Abhijit Sarkar

Mr. Abhikchitta Kundu

... for the de facto complainant.

Petitioner prays for anticipatory bail.

The petitioner complied with the directions contained in the orders passed from time to time.

The petitioner is the tenant.

There is a suit for declaration pending before the Civil Court. The present proceedings was initiated under Section 156(3) of the Code of Criminal Procedure claiming that the tenancy agreement relied upon by the petitioner in the suit for declaration on the basis of which, the petitioner obtained an order of injunction is forged. The issue of forgery is an issue in the Civil Court, if so raised.

The original deed was seized by the police.

There is delay in lodgment of the complaint.

In such circumstances, we grant anticipatory bail to the petitioner.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer as and when called for till the conclusion of the investigation and on condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 4730 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

