

43 06.12.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 5688 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **New Market** P.S. Case No.**162 of 2022** dated **20/07/2022** under Sections **120b/420/406** of the Indian Penal Code. G.R. No.850/22.

And

In the matter of: **Upendra Prasad & Anr.**

....petitioners.

Ms. Sibangi Chattopadhyay

...for the petitioners.

Mr. Neguive Ahmed

Ms. Ayantika Ray

...for the State.

Petitioners pray for anticipatory bail.

The police case revolves around an immovable property and alleged agreement for sale.

It is contended as against the petitioners that there was a previous agreement for sale and that despite such agreement for sale, the property was sold. The police complaint was lodged subsequent to the order passed under Section 156(3) of the Code of Criminal Procedure.

Learned Additional Public Prosecutor submits that the petitioners did not comply with the notices under Section 41A of the Code of Criminal Procedure.

Apparently, the case revolves around an immovable property. It is document based.

Need for custodial interrogation of the petitioners is not felt in the facts and circumstances of the present case.

Consequently, 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 no.1 will report before the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner no.2 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) 5688 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)