

02.03.2022

COURT : 01
ITEM : 27
MATTER : 438
STATUS : ALLOWED
TRANSCRIBER : Saswata

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 46 of 2022

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Bhaktinagar Police Station Case No. 1543 of 2021 dated 05.12.2021 under Sections 406/420/120B of the Indian Penal Code.

And

In the matter of : **Rana Das & Anr.**

...Petitioners

Mr. Sayan De
Mr. Debajit Kundu
Ms. Esha Acharyya

...for the Petitioners

Mr. Ujjal Luksom

...for the State

Apprehending arrest, the petitioners have filed the instant application for anticipatory bail in connection with Bhaktinagar Police Station Case No. 1543 of 2021 under Sections 406/420/120B of the Indian Penal Code.

The case has been registered on the FIR lodged by the son of the owner of the house, alleging the commission of an offence in the pretext of selling of the house. It is submitted that the petitioners acted as a broker between the intending purchaser and the owner but the same could not fructify into a final consensus both on the consideration as well as the other conditions. Thereafter, it appears that the alleged fake agreement was produced by one of the accused before the bank and obtained a loan to the tune of Rs.62,00,000/-.

Curiously enough, the said amount was disbursed on the basis of such agreement and deposited in a bank account opened in the name of the owner of the. The money was squandered therefrom without her knowledge but later on she came to know the aforesaid fact.

The present petitioners acted as a simple broker and could not materialize the transaction but since their names were divulged by the witness in the statement recorded under Section 161 of the Code of Criminal Procedure, they have been apprehended. There is no role attributable to the conduct of the petitioner pertaining to the

obtainment of a fake agreement nor in obtaining the loan nor opening of the bank account in the name of the owner of the house. We, thus, do not find any element which may justify the custodial interrogation of the petitioners.

As such, the prayer for anticipatory bail is ***allowed***.

Accordingly, in the event of arrest the petitioners namely **Rana Das & Shekhar Kumar Singh** 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 on further condition as enshrined under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioners shall meet the Investigating Officer once in a fortnight.

The application being CRM (A) 46 of 2022 is accordingly disposed of.

(Harish Tandon, J)

(Rabindranath Samanta, J)