

07.07.2022.

Item No. 20

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 308 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 30.06.2022 in connection with Darjeeling Sadar Police Station Case No. 70 of 2022 dated 01.06.2022 under Sections 468/471/420/34 of the Indian Penal Code.

And

In the matter of: **Gunkeshari @ Gunkesari Pradhan @ Gunkeshri Pradhan.**

...petitioner

Mr. Vinod Agarwal.

...For the petitioner

Mr. Aditi Sankar Chakraborty,
Mr. Nilay Chakraborty,
Mr. Biswarup Roy.

....For the State

Anticipatory bail is sought since the petitioner has complied with the notice issued under Section 41A of the Code of Criminal Procedure by the Sadar Police Station, Darjeeling.

It appears from the records that the dispute is primarily civil in nature. The allegation is that the petitioner has fraudulently obtained the Left Thumb Impression of Late Sundar Das Sharma and has created a forged sale deed of a property in Darjeeling in favour of one Srimati Gunkeshri Pradhan and Srimati Bishnu Kumari Pradhan.

Counsel for the State submits that the petitioner has responded and complied with the notice issued under Section 41A of the Code of Criminal Procedure.

It appears also from the submissions of the Counsel for the petitioner that a civil suit is pending between the parties in respect of the said forged deed.

Considering the above facts and the nature of the complaint made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

It is directed that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting officer upon furnishing Bond of Rs.15,000/- on condition that the order shall remain valid for a period of two weeks within which the petitioner shall surrender before the court concerned for regular bail.

It is further directed that after release, the petitioner shall attend the jurisdictional Court when the matter is fixed for hearing unless she is prevented by any reason beyond her control.

We make it clear that if the petitioner fails to make herself available before the Trial Court, the Trial Court shall have the liberty to cancel the bail granted to the petitioner and take her into custody without any further reference to this Court.

This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

The Case Diary be returned.

C.R.M. (A) No. 308 of 2022 is, thus, disposed of.

Let a copy of this order be communicated to the Superintendent of Police, Darjeeling and a copy of the same may be communicated to the learned Chief Judicial Magistrate, Darjeeling.

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

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)