

13.01.2023

Sl.21
Court No.29
(AD)
(Allowed)

C.R.M. (A) 147 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chakdah** Police Station Case No. **264 of 2022** dated **30.04.2022** under Sections **420/406/34** of the Indian Penal Code, 1860.

And

In the matter of: **Gopal Rajbhar**

....petitioner.

Mr. Shibaji Kumar Das
Ms. Rupsa Sreemani

...for the petitioner.

Mr. Arijit Ganguly
Mr. Avik Ghatak

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner purchased an immovable property by way of a registered conveyance. The de facto complainant as a member of the scheduled tribe applied for and obtained a permission to sell the immovable property. Pursuant to such permission, the registered conveyance was executed. A large portion of the consideration was paid by bank transfer. The de facto complainant thereafter falsely implicated the petitioner on the plea that the de facto complainant was defrauded as the property could fetch a better price.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure and other materials in the case diary.

There is a registered deed of conveyance in favour of the

petitioner in respect of an immovable property. The registered deed of conveyance is yet to be challenged. The disputes relate to the registered deed of conveyance.

In such circumstances, we do not find any need for custodial interrogation of the petitioner. Consequently, 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 once a fortnight 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) 147 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)