

28.02.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 876 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **663** of **2022** dated **19.05.2022** under Sections 420/465/467/471/34 of the Indian Penal Code, 1860.

And

In the matter of: Keyaton Johura @ Keyatan Johura
..... petitioner

Mr. Kallol Mondal,
Mr. Kingsuk Mondal,
Mr. Krishan Ray
....for the petitioner

Mr. P. K. Datta, Ld. A.P.P.,
Mr. Santanu Deb Roy
....for the State

There is a suit for partition pending.

Apparently, a deed was registered which the de facto complainant claimed to be product of forgery. The deed is yet to be seized.

In such circumstances, petitioner will make over the original deed to the investigating authority forthwith.

In view of the pendency of the suit for partition, and the materials in the case diary, we do not find requirement of custodial interrogation of the petitioner.

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

Accordingly, we direct that in the event of arrest the petitioner will be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and that petitioner will cooperate with the Investigating Officer till the conclusion of the investigation and on further condition that the petitioner will 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)