

03.03.2023

Serial no. 09

[Dd]

(Anticipatory Bail)

(Allowed)

CRM (A) 935 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Serampore** Police Station Case No. **47** of **2023** dated **05.02.2023** under Sections **420/406/403/120B/34** of the Indian Penal Code.

-And-

In the matter of : **Sri Tapas Kumar Das & Anr.**

... .. **Petitioners**

Mr. Swapan Kumar Mallick,

Mr. Soumitra Deb, Advocates

... .. *For the Petitioners*

Mr. Avishek Sinha, Advocate

... ..*For the State*

The police complaint is based upon a registered title deed. According to the de facto complainant, a garage was supposed to be made over to the de facto complainant in terms of a registered deed and that the same was not done.

The disputes apparently are civil in nature.

In such circumstances, we are inclined to 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 be 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 shall report before the Investigating Officer once in a month till the conclusion of the investigation and petitioner no. 2 shall cooperate with the

investigation till its completion and on further 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.

Prayer for anticipatory bail of the petitioners is **allowed**.

CRM (A) 935 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)