

28.03.2023

20

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1251 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bansdroni** Police Station Case No. **172** of **2022** dated **24.09.2022** under Sections 120B/420/406/467/468/471 of the Indian Penal Code, 1860.

And

In Re : Gopinath Ganguly & Anr.

..... petitioners

Mr. Sekhar Kumar Basu, Sr. Advocate

Mr. Sourav Chatterjee

Mr. Antarikhya Basu

Mr. Sayan Mukherjee

Ms. Madhumita Basak

....for the petitioners

Mr. Debasish Roy

Mr. Soumya Nag

Mr. A. Rakshit

....for the de-facto complainant

Mr. Saibal Bapuli

Mr. Arijit Ganguly

Mr. Arani Bhattacharya

....for the State

Petitioners pray for anticipatory bail.

Learned senior advocate appearing for the petitioner submits that, the police complaint relates to a registered document of 2005. There is a consumer complaint pending. It is only when the consumer complaint was fixed for final hearing and the complainant was unable to produce the illegal document that the present police complaint was filed.

State and the de-facto complainant are represented.

Learned advocate appearing for the de-facto complainant submits that, signature of the de-facto complainant was forged in order to deprive the de-facto complainant of the legitimate share of the development agreement.

There is a consumer complaint pending between the private parties. The police complaint revolves around a development agreement. It is the claim of the de-facto complainant that he was deprived of his legitimate share under the development agreement by reason of a forged document.

The consumer complaint is pending with regard to such issue filed at the behest of the de-facto complainant. The issue as to whether the document on the basis of which, title was transferred, is an issue which is required to be looked into by an appropriate forum. The document is a registered document.

In such circumstances, we 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/- 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 petitioners shall meet the Investigating Officer once a month till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)