

10.05.2023

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Ct. No. 29

CHC

Rejected

C.R.M.(A) 1886 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jangipara** Police Station Case No. **120** of **2023** dated **06.04.2023** under Sections **420/406/467/468/471/34** of the Indian Penal Code, 1860.

And

In the matter of : Chandrani Ghosh & ors.

..... petitioners

Mr. Shibaji Kumar Das,
Ms. Suranjana Bhattacharyya
....for the petitioners

Mr. Binay Panda,
Ms. Puspita Saha
....for the State

Mr. Kausik Gupta,
Mr. M. Ahmed
....for the de facto complainant

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that petitioners are the bonafide purchasers of immovable property for value without notice of pending litigation. Petitioners filed a police complaint against the vendor. Petitioners also applied before the Court which passed an order of injunction in respect of the immovable property concerned.

State and the de facto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He

submits that there are criminal antecedents of the petitioners with regard to the same *modus oparendi* in respect of immovable property. According to him, the petitioners show purchase of immovable property in order to grab the same.

Learned advocate appearing for the de facto complainant submits that the petitioners claim to be a purchaser despite an order of injunction passed by a civil Court in respect of the immovable property concerned restraining the defendant in such suit from transferring the immovable property.

Prima facie, the purchase claimed by the petitioners is in breach of an order passed by a civil Court.

In such view, no title can pass to the petitioners. Apparently, the petitioners are involved in trying to grab properties despite order of Court.

There are criminal antecedents so far as petitioners are concerned. Complicity of the petitioners with the defendant in the suit requires investigation.

Prima facie case as against the petitioners stand made out.

In such circumstances, we are unable to grant anticipatory bail to the petitioners.

C.R.M.(A) 1886 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

