

03.08.2023

SL. 2

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 2111 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sinthi** Police Station Case No. **22** of **2023** dated **08.03.2023** under Sections **420/467/468/471/506** IPC.

And

In the matter of: **Palash Paul**

....petitioner.

Mr. Jatinder Singh Dhatt

...for the petitioner.

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... for the State.

Mr. Angshuman Chakraborty

... for the defacto complaninant.

1. Heard learned Counsel for the parties.
2. Perused the order dated 05.06.2023 passed in this case.
3. The petitioner is stated to have produced the original document i.e., the Tenancy Agreement dated 11.12.2014 before the I.O. The opinion of the handwriting expert on the subject is against the petitioner so far as genuineness of the signature on the disputed document is concerned. The copy of the report filed by learned Counsel for the State be taken on record.
4. It is submitted by learned Counsel for the petitioner that if the petitioner is alleged to have forged the document and obtained order of injunction from the civil court in his favour, the recourse to the informant is Section 340 Cr.P.C. and not the present case of forgery etc.
5. We desist ourselves from commenting on the recourse open to the petitioner at this stage but forgery has been committed at

least *prima facie*.

6. Learned Counsel for the petitioner further submits that he wants the documents to be verified by the Central Forensic Laboratory. Such question can be raised only at the trial and we being in seisin over the question of anticipatory bail, cannot go to detailed documentation of the materials on record.
7. Regard being had to the aforesaid facts and submissions and the quantum of punishment prescribed under Section 420/467 IPC, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
8. Accordingly, the prayer for the anticipatory bail is rejected.
9. The application being **CRM (A) 2111 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

