

18.07.2023
(M/L 120)
Ct. No.29
Allowed
(SKB)

CRM (A) 2516 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Serampore P.S. Case No.231 of 2022 dated 03.07.2022 under Sections 403/406/420/463/467/468/471/474/120B of the Indian Penal Code.

In the matter of : Sunny Majumdar @ Sunny Majumder
... Petitioner

Mr. Milon Mukherjee,
Mr. Somanth Banerjee,
Mr. Ranadeb Sengupta,
Mr. Pronojit Roy

... for the petitioner

Mr. Ayan Bhattacharya,
Mr. A. Ganguly

... for the defacto complainant

Mr. Joydeep Roy,
Ms. Sujata Das

... for the State

1. Heard the learned Counsel for the parties.
2. The principal accused, who is the owner of the land, executed a power of attorney in favour of the informant sometime in 2019. Already a suit is pending in respect of that transaction in the competent civil court. During currency of the injunction order, the principal accused i.e. the owner of the land, is alleged to have executed one power of attorney in favour of accused no.2 and development agreement in favour of accused no.3 who are stated to be employees of the present petitioner.

3. It is alleged that after execution of the second power of attorney in favour of accused no.2 without revoking the first power of attorney, accused no.2 is alleged to have sold the property to 23 vendees and the consideration amount is alleged to have been deposited in the account of the present petitioner. When the matter is pending before the competent civil court, the competent civil court in seisin of the matter can take care of loss that occurred to the informant and the entire transaction appears to us to be civil in nature, though our view is, prima facie, tentative on the basis of police papers. The investigation is stated to have progressed substantially.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the condition that the petitioner is directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
5. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.

6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being CRM(A) 2516 of 2023 is disposed of.
8. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)