

03.08.2023
(D/L 05)
Ct. No.29
Allowed
(SKB)

CRM (A) 2618 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bally P.S. Case No.23 of 2023 dated 01.03.2023 under Sections 420/406/468/506/199 of the Indian Penal Code.

In the matter of : Ashok Kumar Singh
@ Ashake Kumar Singh
... petitioner

Mr. Y. J. Dastoor, Sr. Adv.,
Mr. Milan Mukherjee, Sr. Adv.,
Mr. Ayan Bhattacharya,
Ms. Bipasha Jaiswal
... for the petitioner

Mr. Saibal Bapuli, APP
Mr. Bihaswan Bhattacharya
... for the State

Mr. Soumya Basu Roy Chowdhuri
... for the defacto complainant

1. Heard the learned Counsel for the parties.
2. The petitioner is stated to be the successor-in-interest of Surya Prasad Singh. The informant is stated to be the son of the sister of the present petitioner claiming interest in the property of late Surya Prasad Singh through his mother.
3. The allegation is that the petitioner without authority has sold some ancestral land for consideration sometime in 2022, which is the subject matter of the present case.
4. Learned counsel for the informant submits that the informant has already filed a suit for injunction vide Title

Suit No.418 of 2023 before the learned 2nd Civil Judge (Senior Division) at Howrah over the self-same issue. It is further alleged that the petitioner is not providing the original sale deed of the disputed transaction.

5. In our considered view, the case is of purely civil nature and the disputed document can be produced by the petitioner before the civil court by process of court in accordance with the provision of C.P.C. Further even if the said document is produced before the Police, the same authority cannot decide the title of either of the parties.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence, nature of evidence 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 conditions:

- i) The petitioner shall appear before the IO as and when required for the purpose of investigation till submission of Final Form.
- ii) If the petitioner is asked to produce any document, such document should be produced by the petitioner with undertaking by the IO that

originality of the document shall be maintained by the IO.

7. Accordingly, the prayer for the anticipatory bail is allowed.
8. 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.
9. The application being CRM(A) 2618 of 2023 is disposed of.
10. The Arresting Officer is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)