

02.08.2023

SL. 20

Court No. 29

Sourav

(Rejected)

C.R.M. (A) 2667 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Serampore** Police Station Case No. **53** of **2023** dated **08.02.2023** under Sections **420/467/468/409/120B/34** IPC.

And

In the matter of: **Sisir Saha & Ors.**

....petitioners.

Mr. Debapratim Guha

Mr. Sourav Sen

Ms. Anchita Sarkar

...for the petitioners.

Mr. Tanmoy Kr. Ghosh

Mr. Arindam Sen

... for the State.

Mr. Asok Banerjee

Mr. Subodh Banerjee

... for the victim.

1. Heard learned Counsel for the parties.
2. The present petition for anticipatory bail is pressed on the ground of parity with one co-accused, Akbar Ali and another Nasima Parween. The aforesaid two persons who have been granted the benefit of anticipatory bail are stated to be the local councilors. So far as the present petitioners are concerned, there is statement of victims to the effect that the present petitioner no. 1 (Sisir Saha) and petitioner no. 2 (Imtiaz Ahmed) had collected money of Rs. 8 lakhs from each victims and had got the land registered in their name which subsequently the victim came to know that the aforesaid petitioner nos. 1 and 2 had no transferable right in the aforesaid property which is a species of government land. So far as petitioner no. 3 (Md. Jamil), petitioner no. 4 (Mustafa Khan) and petitioner no. 5 (Md. Jahangir) are concerned, they

are found to be the witnesses in the alleged sale deed. From the entire transaction and the police papers, we smell activity of a racket in the entire transaction which may take time to unfold.

3. The investigation being at initial stage, we feel that there is justification for custodial interrogation of the petitioners.
4. Regard being had to the aforesaid facts and the consequence of offence alleged, we are not inclined to exercise our discretion in favour of the petitioners under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 2667 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

