

C.R.M.(A) 3023 of 2023

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Gariahat P.S. Case No. 232 of 2017 dated 25.12.2017 under sections 420/468/467/471/120B of the Indian Penal Code.

And

In the matter of : Prodip Kr. Hui

Mr. Ayan Bhattacharya
Mr. Sumit Biswas
Mr. V. Luthra
Ms. R. Bhowmick
Mr. R. Paul

... ... for the petitioner

Mr. Swapan Banerjee
Ms. Purnima Ghosh

... ... for the State

Mr. Anirban Guhathakurta
Mr. Sujan Chatterjee

... ... for the de facto complainant

Petitioner submits that there is a long standing civil dispute between the parties. Investigation revolves around the authenticity of document which is in the custody of the investigating agency. Initially investigation ended in a closure report. Subsequently, police report is filed. Custodial interrogation for the purpose of investigation is not necessary. He prays for pre-arrest bail.

Learned lawyer for the State submits that the petitioner had used a forged deed and had dishonestly prayed before the municipal authorities to enter his name in the mutation records.

Learned lawyer for the de facto complainant submits that the petitioner had no right or title in the property. He utilized forged document to enter his name in the municipal records.

We have considered the materials on record. Civil dispute is pending by and between the parties. Offence involves forgery of a purported gift deed. It is contended schedule of the gift deed had been altered. Correctness of the allegations may be gone into in the course of trial. The suspect deed is in the custody of the investigating agency. Charge-sheet has been filed. However, further investigation for this purpose is not necessary.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)