

25.08.2023
M/L 471
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3291 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kalna P. S. Case No.370 of 2023 dated 01.04.2023 under Sections 420/467/468/471 of the Indian Penal Code.

And

In the matter of : Meher Ali Seikh

... Petitioner

Mr. A. Das,
Mr. S. Das Mahapatra,
Ms. Oindrila Ghosh

... for the petitioner

Mr. P. K. Datta, Id. APP
Mr. Santanu Deb Roy

... for the State

1. Heard the learned Counsel for the parties.
2. The present case has been initiated on the basis of FIR lodged by the jurisdictional B.L. & L.R.O. It is alleged that the present petitioner has managed to get deed prepared in his favour through imposters of one Syed Abdul Hasan and Muslima Bibi, one of the successor-in-interest of the aforesaid Sayed Abdul Hasan. The B.L. & L.R.O. has doubted the genuineness of the deed and has alleged that the same has been forged.
3. Whether the deed is forged or not cannot be decided in the criminal case, though the element of criminality in the action of the petitioner can be gone into at the time of

trial. To displace the alleged fake/forged deed, the actual recourse is the common law forum.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation 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:
 - i) The petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. 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.
7. The application being CRM(A) 3291 of 2023 is disposed of.
8. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)