

30.08.2023
SL. 31
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3474 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Anandapur** Police Station Case No. **169** of **2023** dated **01.07.2023** under Sections **420/406/468/506/120B** IPC.

And

In the matter of: **Sukantaa Saha & Anr.**

....petitioners.

Mr. Milon Mukherjee, Sr. Adv.
Mr. Ayan Bhattacharjee
Ms. Subhra Das
Mr. Shuvasish Sengupta
Mr. Abhrajit Roy Chowdhury

...for the petitioners.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

...for the State.

1. Heard learned Counsel for the parties.
2. The informant is the vendor and the petitioners are the vendees in respect of an apartment. An agreement of sale was executed between the parties for some consideration.
3. Learned Counsel for the petitioners submits that when the informant failed to give possession of the apartment as promised, they had filed FIR against him as well as a suit for specific performance of contract and declaration with injunction. The present FIR is stated to be a counter-blast in which it has been alleged that the informant has been dishonestly induced to sign the agreement for sale and there has been misrepresentation also.
4. Be that as it may, the question of inducement etc., or validity of the instrument relating to agreement for sale cannot be displaced in a criminal case when a competent court is in

seisin over the matter.

5. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail in the event of their arrest by the Arresting Officer 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 that:

i) the petitioner no. 2 is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.

6. The petitioners are directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.

7. Accordingly, the prayer for the anticipatory bail is allowed.

8. The application being **CRM (A) 3474 of 2023** is disposed of.

9. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

