

18.09.2023
ML. 122
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3729 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliganj** Police Station Case No. **274** of **2023** dated **05.05.2023** under Sections **467/468/471/34** IPC.

And

In the matter of: **Urbasi Sekh @ Sk & Anr.**

....petitioners.

Mr. Sumanta Das

...for the petitioners.

Mr. Shiladitya Banerjee

...for the State.

1. Heard learned Counsel for the parties.
2. The informant along with his brother is stated to have succeeded to the property of their father (Late Basanta Kumar Roy). They were in peaceful possession of the property in question. On receipt of a notice from BL and LRO of Debagram, they came to know that the petitioner no. 2 has filed a petition for mutation of the land in his favour. On further enquiry, they came to know that in a purported gift by the present petitioner no. 1, who is the mother of the present petitioner no. 2, some property along with the disputed property in question have been gifted in favour of petitioner no. 2 on the basis of a registered deed purported to have been executed by predecessor in interest of the informant.
3. Learned Counsel for the State from the CD placed a report of the concerned Sub-Registrar Office showing that the relevant volume of registered deed no. 4402 of 1986 is missing from their record. From the materials on record, it is found that it

is purely a civil dispute at least *prima facie* and the parties shall have to take recourse to Common Law Forum.

4. 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.
5. Within 21 days from today, petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
6. Accordingly, the prayer for anticipatory bail is allowed.
7. The application being **CRM (A) 3729 of 2023** is disposed of.
8. 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.)

