

21.09.2023
ML. 247
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 3855 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Parnasree** Police Station Case No. **309 of 2023** dated **21.07.2023** under Sections **120B/420/406/506** of the IPC.

And

In the matter of: **Laltu Das & Ors.**

....petitioners.

Mr. Ayan Bhattacharyya
Mr. Dipanjan Dutt
Mr. Souma Subhra Ray
Mr. Surojit Saha

...for the petitioners.

Mr. Joydeep Roy
Ms. Sujata Das

...for the State.

1. Heard learned Counsel for both the parties.
2. The present petitioner No. 1 is stated to be the manager of the principal accused Vikash Jaiswal. Petitioner Nos. 2 and 3 are wife and father respectively of the Vikash.
3. The informant is stated to have entered into an agreement for sale of a flat by Vikash for consideration and upon execution of the said agreement the informant is stated to have paid Rs. 36 lakhs to aforesaid Vikash. In the alleged agreement for sale the present petitioner No. 1 who is stated to be the manager of aforesaid Vikash is a signatory as witness. So far as petitioner Nos. 2 and 3 are concerned there is, however, no allegation against them so far as the agreement of sale is concerned or payment of the amount is concerned.
4. Be that as it may, the offence *prima facie* is found to have been committed by aforesaid Vikash in view of the fact that the property in respect of which the agreement of sale was executed in between Vikash and the informant, the said property was conveyed after the agreement to sale was

executed.

5. In view of such fact, there is element of criminality in the action of aforesaid Vikash. There is nothing on record to show that the present petitioner No. 1 was also privy to the subsequent deed of conveyance executed by Vikash.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their 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 conditions that:
 - i) The petitioner No. 1 (Laltu Das) and petitioner No. 3 (Dinanath Jaiswal) are directed to appear before the I.O. once in a week on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.
 - ii) The petitioner No. 2 (Neelam Jaiswal) is directed to appear before the I.O. for the purpose of investigation as and when required from sunrise to sunset till submission of F.F.
7. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
8. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.

9. Accordingly, the prayer for the anticipatory bail is allowed.
10. The application being **CRM (A) 3855 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

