

03.10.2023
D/L 31
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3962 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with New Market P. S. Case No.219 of 2023 dated 10.08.2023 under Sections 120B/420/467/468/471 of the Indian Penal Code corresponding to G.R. Case No.926 of 2023.

In the matter of : Saifuddin Ali @ Md. Saifuddin Ali
... Petitioner

Mr. Rohan Ojha,
Mr. Surojit Saha,
Mr. Samim Aktar

... for the petitioner

Mr. S. S. Imam,
Mr. S. Kundu

... for the State

Mr. Daanish Haque,
Md. Siraj Munir

... for the defacto complainant

1. Heard learned counsel for the parties.
2. There was a property transaction between the informant and the present petitioner sometime in 2019. It is alleged that one of the plots sold by the petitioner to the informant was less than the actual extent shown in the deed and so far as another transaction is concerned, the same was sold to the informant on the basis of a forged sale-deed impersonating the actual owners.
3. The informant is stated to have used both the deeds in bank as collateral security and, admittedly, he has been sanctioned with the amount of loan applied for.

4. Be that as it may, the entire transaction is documentary in nature and we do not find any justification for custodial interrogation of the petitioner.
5. 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 G.R. Case No.926 of 2023 arising out of 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 fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. 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.
8. The applications being CRM(A) 3962 of 2023 is disposed of.
9. 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.)