

08.09.2023  
35  
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allowed

CRM(DB) No. 3505 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bowbazar Police Station Case No. 22 of 2023 dated 10.02.2023 under Sections 403/406/379/380/420/465/467/468/471/506/120B of the Indian Penal Code.

In Re : Md. Raquib ..... petitioner

Mr. Milon Mukherjee, Sr. Adv.  
Mr. Biswajit Manna  
Mr. Swagata Biswas  
Mr. Zeba Rashid

....for the petitioner

Mr. Sudip Ghosh  
Mr. Bitasok Banerjee

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 78 days. It is contended there was a dispute over sharing ancestral property. Allegation is that the will is forged. No probate has been taken of the will. He prays for bail.

2.Learned Counsel for the State opposes the prayer for bail.

3.We have considered the materials on record. Instant case arose out of a dispute amongst heirs over sharing of ancestral property and business. Alleged forged will is in the custody of the investigating officer. Under such circumstances, we are inclined to grant bail to the petitioner.

4.Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Additional Chief Metropolitan Magistrate-II, Kolkata, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**