

13.10.2023

SL. 10
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 4166 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Serampore** Police Station Case No. **254 of 2023** dated **10.06.2023** under Sections **420/ 406/ 468/ 471/ 409/ 506/120B** of the IPC.

And

In the matter of: **Rajendra Kumar Malu**

....petitioner.

Mr. Anand Keshari
Ms. Sutapa Bose (Ghosh)

...for the petitioner.

Mr. S. S. Imam
Mr. R. Jana

...for the State.

Mr. Md. Sabir Ahmed
Mr. Tasnim Ahamed
Mr. Dhiman Banerjee
Ms. Suman Biswas
Mr. Soham Chakraborty

...for the de facto complainant.

1. Heard learned Advocate for both the parties.
2. From the materials as collected in course of investigation it reveals that on 11th September, 2019 by deed No. 1548 of 2020 the suit flat was sold to the informant by the partners of Siddeswari Developers of which the present petitioner and one Uttam Majumdar were the partners. It is also placed on record that though such registration has been completed but the possession of the suit flat was not given to the informant. Subsequently, on 28th January, 2022 vide deed No. 702 of 2022 the self-same flat was registered in favour of some third parties by the self-same developer firm wherein another partner of the self-same firm, namely, Uttam Majundar posed himself as proprietor of the said firm and possession of the suit flat was given to some third parties.
3. Prima facie, materials are placed before this Court that consideration money in respect of both the deeds have been

transferred to the account of the firm and no materials have been placed on the part of the petitioner that in the meantime the present petitioner ceases to be the partner of the said firm.

4. Considering the aforesaid materials and gravity of offence, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.
6. The application being **CRM (A) 4166 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

