

05.10.2023
Sl. No.24
akd
[ALLOWED]

C. R. M. (DB) 3775 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.09.2023 in connection with Chanditala Police Station Case No.406 of 2023 dated 24.05.2023 under Sections 420/406/467/341/468/471/120B of the Indian Penal Code. (G.R. Case No.1246 of 2023)

And

In Re: ***Biswajit Arosh @ Bishwajit Arush***

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
Ms. Labani Sikdar

... .. for the petitioner

Mr. Prasun Kumar Datta .. Id. Addl. Public Prosecutor
Mr. Nirupam Dhali

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 33 days. It is further submitted petitioner is a signatory to the alleged forged deed. Co-accused who sold the land on the strength of the said deed is on bail. Further detention is not necessary. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits the vendor did not have title to the land and fraudulently transferred the land on the strength of a forged deed causing wrongful loss.
3. We have considered the materials on record. Two deeds were registered in respect of the same plot of land. De-facto complainant contends that co-accused who transferred the land had no title to the property, she has been enlarged on bail. Petitioner is said to be the signatory of the forged deed. Alleged deed is already in the custody of the Investigating Agency.

4. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Biswajit Arosh @ Bishwajit Arush**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)