

25.10.2023
Court No.8
Item. 02
(**Suvendu/
Sandip**)

CRM(A) 4988 OF 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Pragati Maidan Police Station Case No. 197 of 2023 dated 02.08.2023 under Sections 120B/420/188/506 of the Indian Penal Code, 1860.

And

In the matter of: Mujibur Rahaman @ Sk Mujibur
.....Petitioner.

Mr. Jayanta Narayan Chatterjee
Ms. Ritushree Banerjee
for the Petitioner.

Mr. Swapan Banerjee
Ms. Purnima Ghosh
for the State.

1. This is an application for grant of anticipatory bail under Section 438 of the Cr.P.C. in connection with Pragati Maidan Police Station Case No. 197 of 2023 dated 02.08.2023 registered under Sections 120B/420/188/506 of the Indian Penal Code, 1860 pending before the learned Additional Chief Judicial Magistrate at Alipore, South 24 -Parganas leading to ACGR Case No. 3900 of 2023.
2. The learned advocate for the petitioner has submitted that the de facto complainant had maliciously lodged a complaint against the petitioner with regard to transfer of a plot of land in question, which was the subject matter of a gift, which was thereafter given to a promoter. The dispute between the parties gave rise to a Tittle Suit being No. 742 of 2023 and the instant petitioner had been falsely

implicated in a criminal case. It has been submitted that the petitioner has complied with the provisions of Section 41(A) of the Cr.P.C. and he is ready and willing to cooperate in the investigation.

3. The learned advocate for the State has submitted that there has been a fraudulent transfer of a plot of land violating the order passed by the Civil Court in the aforesaid Title Suit.

4. Heard the submissions of learned advocates for both the parties and perused the materials on record including the aforesaid application and the Case Diary.

5. It appears that the dispute between the parties is prima facie civil in nature arising out of an agreement between the parties, which was also the subject matter of a Civil Suit.

6. Considering the facts of the case, as it appears from the record and the submissions of the parties, we are of the view that the custodial interrogation of the petitioner is not necessary in this case

7. We accordingly direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each to the satisfaction of the Arresting Officer and also comply with the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall cooperate with the investigation and make himself available for questioning to the Investigating Officer once in a week until further orders. The petitioner shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.

8. The application for anticipatory bail being CRM(A) 4988 of 2023 is allowed and disposed of in terms of the above.

(Ananya Bandyopadhyay, J.)

(Md. Nizamuddin, J.)

