

29.11.2023

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Allowed

C.R.M. (A) No. 5031 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 435 of 2023 dated 17.10.2023 under Sections 406/420/506/34 of the Indian Penal Code.

And

In Re : Golam Mortuja Seikh @ Golam Murtuja Sk. @ Golam Mortuza petitioner

Mr. Sagar Saha
Mr. Nurnobi Seikh
Mr. Imtiaz Kabir

.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Sima Biswas

....for the State

Mr. Tapodip Gupta

.... for de facto complainant

1. Learned Counsel for the petitioner submits police persons intervened in a civil dispute. He lodged complaint before the superior police officer. In retaliation he has been falsely implicated. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioner had promised to sell the same land to different persons.

3. We have considered the materials on record. Allegations involve transfer of immovable properties. Credibility of the accusation regarding fraud may be assessed during trial. Under such circumstances, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary and he may be granted anticipatory bail.

4. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that petitioner shall meet the investigating officer once in a week until further orders.

5. This application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)