

01.12.2023
tkm/ct 28
sl no.81

C.R.M. (A) 5049 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Haripal P.S case no. 308 of 2023 dated 21.7.2023 under sections 420/406/468/341/323/506/34 IPC

And

Allowed

In Re : Dibyendu Nag

..... petitioner

Mr. Imtiaz Ahmed
Mr. G Firdaus
Mr. Sk Saidullah
Mr M Mondal
Mr Md. Arsalan

..... for the petitioner

Mr. Sabndip Chakraborty

..... for the State

1. Petitioner submits that a civil suit is pending by and between the parties. Subsequently it is alleged that deed on the basis of the name of the petitioner was recorded in the land records is a forged one. He prays for bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Parties were litigating before the civil court for a considerable period of time. It is alleged that the deed filed in the revenue record is a forged one. Issue of forgery is to be gone into in the course of trial in the criminal case. Deed appears to be in the official records of the land department.
4. In view of the aforesaid circumstances we are of the opinion custodial interrogation for progress of investigation is not necessary but the petitioner is required to co-operate with investigation in accordance with law.

5. 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 further condition that the petitioner shall meet the investigating officer once in a week until further orders.
6. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.
7. The application being CRM (A) 5049 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)