

02.01.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 6032 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **347** of **2022** dated **10.08.2022** under Sections 420/506/34 of the Indian Penal Code, 1860.

And

In Re : Balaram Mahato

..... petitioner

Mr. Barun Kumar Samanta

....for the petitioner

Mr. Bidyut Kumar Roy

Ms. Rita Dutta

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, there is a civil suit pending. The father of the petitioner sold a portion of the immovable property. The other portions were sold by petitioner. The police complaint was lodged to falsely implicate the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the petitioner is threatening the de-facto complainant.

Apparently, the dispute relates to an immovable property. There is a civil suit pending.

In such circumstances, we grant anticipatory bail to the petitioner.

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 a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)