

02.03.2023

Sl. No.27

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (A) 79 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 25.01.2023 in connection with Matigara Police Station Case No. 288 of 2022 dated 01.03.2022 under Sections 465/468/471/420/120B of the Indian Penal Code.

And

In Re: ***Didar Ali Khan***

... .. Petitioner

Mr. Debajit Kundu

... .. for the petitioner

Mr. Nilay Chakraborty

Mr. Biswarup Roy

... .. for the State

Pursuant to our earlier direction, Officer-in-charge, Matigara Police Station is personally present in court with the case diary. His presence is noted and dispensed with.

It is submitted on behalf of the petitioner that the principal accused is dead. Belatedly, FIR has been registered by another family member alleging that the Power of Attorney is forged. Petitioner is a Typist and is alleged to have typed the Power of Attorney.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Copy of the Power of Attorney has been seized. There is delay in lodging FIR. Keeping in mind the aforesaid facts and extent of complicity of the petitioner in the alleged crime, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Didar Ali Khan***, 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 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 appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)