

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

01.03.2023.
41.
as
(Allowed).

C.R.M. (A) 165 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mekhliganj P. S. Case No.144 of 2022 dated 08.05.2022 under Sections 420/468/34 of the Indian Penal Code.

In the matter of : Sanjay Paul & Anr.

... Petitioners.

Mr. Subhasish Misra,
Mr. Swarup Das,

...for the Petitioners.

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjee.

.....for the State.

It is submitted on behalf of the petitioners that the property was gifted by petitioner no.1 to his wife i.e. petitioner no.2. Civil suits are pending over the issue. They pray for anticipatory bail.

Learned Advocate for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegations in the first information report are to the effect that the transfer is a fraudulent one based on forged documents. Police has taken custody of the deed in question. Enquiry with regard to its authenticity is in progress. Civil suits are pending by and between the parties.

Under such circumstances, we are of the opinion custodial interrogation of the petitioners may not be necessary but he requires to co-operate with investigation. Hence, they may be enlarged on anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners viz., Sanjay Paul and Kakoli Chanda Paul shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the trial court and pray for regular bail within a period of four weeks from date and on further condition that the petitioner no.1 shall meet the Investigating Officer once in a week until further orders.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)