

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

09.03.2023.
22/tkm

C.R.M. (A) 173 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kotwali P.S case no. 39 of 2023 dated 10.1.2023 under sections 120B/467/468/471/420/403 IPC
and

In Re : Smt. Bulan Dam Kundu & Anr. ... petitioners

Mr. Sattwik Bhattacharyya
Mr. Sourav Chatterjee
Mr. A Bhattacharyya

..... for the petitioners

Mr. Nilay Chakraborty
Ms. N Das

..... for the State

Petitioners contend they are the co-owners of the land in question. De facto complainant is the step brother of the grand father of petitioner no. 2. He had relinquished his rights in the property and started residing in the State of Meghalalya. Presently, he has assailed the gift deed executed by petitioner no. 1 to his son i.e. petitioner no. 2. Proceedings are pending before the Land Tribunal with regard to correction in the records of rights.

Learned lawyer for the State submits records of rights were altered by the petitioners on the strength of forged death certificate of the de facto complainant. Thereafter, the deed of gift was executed.

We have considered the materials on record. Admittedly, de facto complainant is alive. Petitioners utilized a forged death

certificate to correct the land records. Prima facie, the materials show intentional use of a forged document by the petitioners for wrongful gain.

Under such circumstances, we are not inclined to grant anticipatory bail to the petitioners.

Accordingly prayer for anticipatory bail is rejected.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)