

06.6.2023

Sl. No.69

ar
Rejected

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 241 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kotwali Police Station Case No. 39 of 2023 dated 10.01.2023 under Sections 120B/467/468/471/420/403 of the Indian Penal Code.

And

In Re: **Sri Subrata Kundu**

... .. Petitioner

Mr. Deborshi Dhar

... .. for the petitioner

Ms. Aditi Shankar Chakraborty. Ld. APP

Mr. Kallol Nag

... .. for the State

We have heard the learned counsel for the parties.

It appears that on 9th March, 2023 a coordinate bench rejected the application for anticipatory bail with the following observation:-

“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.”

However, we give liberty to the petitioner to surrender before the appropriate court within two weeks from date and he may not be arrested for a period of two weeks.

It is needless to mention that in the event any application for bail is filed before the trial court, the trial court shall decide the said application independently and without being influenced by any observation made in this order.

Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)