

12.06.2023
SL No.30
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 334 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with G.R. Case No.3579 of 2022 arising out of Matigara Police Station Case No.861 of 2022, dated 08.08.2022 under Sections 406, 420 and 120B of the Indian Penal Code.

And

In the matter of : **Ashish Saha**

- Petitioner.

Mr. Somraj Paul,

Mr. Subhasis Mishra

... For the Petitioners.

Mr. Nilay Chakraborty,

Mr. Arjun Chowdhury

... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and he has transferred the land having proper title to the said property and he has been falsely implicated.

The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that the father of the present petitioner had transferred the property in favour of his son, namely, the present petitioner after the power of attorney was revoked and thereafter the son with the knowledge of that revocation transferred the property in favour of the third party for a consideration of Rs.30 lakhs. It submitted that earlier the

application for anticipatory bail of the father of the petitioner was rejected and both of them are absconding.

On an undertaking that the petitioner shall appear before the I.O. within 72 hours and cooperate with the investigation, the petitioner shall not be arrested for two weeks within which time the petitioner shall apply for regular bail and in the event the bail petition is filed on surrender, the Trial Court shall decide the application on its own merits uninfluenced by any observation made in this order.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)