

12.12.2023

Sl. No.25
akd
[Rejected]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 996 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 07.12.2023 in connection with Rajganj Police Station Case No. 504 of 2022 dated 02.09.2022 under Sections 406/419/420/120B/34 of the Indian Penal Code. (G.R. Case No.5025 of 2022)

And

In Re: ***Bapi Bhowmik***

... .. Petitioner

Mr. Sushanta Jib

... .. for the petitioner

Mr. Arjun Chowdhury

Mrs. Pratusha Dutta Chowdhury

... .. for the de-facto complainant

Mr. Nilay Chakraborty

Mr. Tapan Bhattacharjee

Ms. Sukanya Adhikari

... .. for the State

1. It is submitted on behalf of the petitioner that there is a civil dispute between himself and the de-facto complainant. Civil suits are pending. Allegation of cheating is false. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits prayer for anticipatory bail of the petitioner was rejected earlier. Petitioner and co-accused had executed a Power of Attorney in 2015 which came to be cancelled. Thereafter, in collusion with other co-accused petitioner had illegally transferred the land of the de-facto complainant and caused wrongful loss to him. Prayer for

anticipatory bail of other co-accused was rejected earlier and one Krishna Debnath, another Power of Attorney holder is presently in custody. Accordingly, custodial interrogation of the petitioner is necessary.

3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail.
4. We have considered the materials on record. Petitioner had prayed for anticipatory bail earlier in CRM (A) 841 of 2023. For reasons best known to him, he withdrew the application. It is pertinent to note prayer for anticipatory bail of other co-accused have been rejected earlier by this court. Allegations against the petitioner and other accused are very grave. They are involved in large scale land fraud by illegally transferring land of the de-facto complainant and causing wrongful loss to him. In view of the nature of crime and prima facie involvement of the petitioner therein, we are of the opinion this is not a fit case to grant anticipatory bail to the petitioner.
5. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)