

21.02.2024
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 459 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.02.2024 in connection with Kalyani Police Station Case No.339 of 2023 dated 07.06.2023 under Sections 420/467/468/471/409/120B of the Indian Penal Code.

And

In Re: ***Subal Mondal***

... .. Petitioner

Mr. Jayanta Narayan Chatterjee
Mr. Mrityunjoy Chatterjee
Mr. Sanjib Mitra
Mrs. Sarbani Chakraborty
Mr. R. K. Shah

... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor
Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Ms. Anasuya Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 63 days. It is further submitted alleged forged deed has already been seized. Petitioner is a bonafide purchaser for value. Accordingly, he prays for bail.
2. Learned Public Prosecutor opposes the prayer for bail and submits petitioner had entered into a conspiracy with co-accused who manufactured fake deed to transfer land.
3. We have considered the materials on record. It is contended transfer was for valuable consideration which is commensurate to the market value of the land. Allegation of conspiracy is to be assessed in the light of the aforesaid circumstances during trial. Forged deed is in possession of the Investigating Agency. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Subal Mondal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kalyani, Nadia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)