

27.03.2024
11
0Ct. No. 29
S.D.
Allowed

C.R.M.(A) 1040 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanditala** Police Station Case No. **513** of **2022** dated **10.10.2022** under Section **464/455/466/467/188/380** of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate at Serampore, Hooghly.
And

In Re : **Tapan Malik** petitioner
Mr. Subir Ganguly
Mr. Sumanta Ganguly
...for the petitioner
Mr. Rudradipta Nandy, Ld.APP.,
Ms. A. Chakraborty
...for the State

Petitioner prays for anticipatory bail on the strength to an order of anticipatory bail granted to a co-accused on March 11, 2024 passed in C.R.M. (A) 827 of 2024.

Learned advocate appearing for the State refers to the materials in the case diary.

The fact that the property in dispute is a subject matter of a civil suit cannot be disputed.

The petitioner before us is, however, not a party to such suit.

Title to the immovable property is in dispute before the Civil Court.

Co-accused was granted anticipatory bail on March 11, 2024.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner will report before the Investigating Officer once a week till the conclusion of the investigation. The petitioner shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)