

12.04.2024
Item No.121
Court No.28
CHC
Allowed

C.R.M. (A) 1308 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Bishnupur Station Case No. 182 of 2024 dated 16.02.2024 under Sections 465/467/468/471/34 of the Indian Penal Code, 1860, pending before the Learned Additional Chief Judicial Magistrate, at Alipore, South 24 Parganas.

And

In Re : Kashinath Mondal & ors. petitioners

Mr. Tapas Kr. Ghosh,
Mr. Subrata Ghosh,
Mr. Tanmoy Chowdhury

.....for the petitioners

Mr. Madhusudan Sur, Ld. A.P.P.

....for the State

1. Petitioners submit that dispute relates to title over immovable property. Civil Suits are pending between the parties. Allegation of forgery is out and out false and unfounded. Petitioners pray for anticipatory bail.
2. Learned lawyer for the State submits petitioners are claiming title over immovable property which is disputed by the de facto complainant.
3. We have considered the materials on record. Crux of the dispute involves title over immovable property. This issue is to be decided by a civil court of competent jurisdiction. Civil proceedings are pending between the parties. In the light of the aforesaid, we

are of the opinion custodial interrogation for progress of investigation is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioners, namely, Kashinath Mondal, Gourhari Mondal, Nitai Mondal, Ranjan Mondal and Swapan Mondal shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 and on condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that petitioners will cooperate with the investigation.
5. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)