

40.
Court
No.28

10.06.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1605 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Singur Police Station Case No.92 of 2024** dated **03.03.2024** under Sections **420/406/467/468/471** of the Indian Penal Code.

And

In the matter of: - **Aloke Das @ Bumba**

...petitioner.

Mr. Bitasok Banerjee, Adv.,
Mr. Abdus Salam, Adv.

...for the petitioner.

Mr. Bibaswan Bhattacharya, Adv.,
Mr. Soham De Dhara, Adv.

...for the State.

The prosecution’s case is that the uncle (meso) of the *de facto* complainant had executed a Deed of Gift of a property in favour of the *de facto* complainant, during his lifetime. After the demise of the uncle, another Deed of Gift has surfaced under which apparently the same property has been transferred by the uncle in favour of the present petitioner. This is a forged Deed. There is no relationship between the aforesaid uncle of the *de facto* complainant and the present petitioner.

The petitioner says that he has been falsely implicated in this case. He has a document in his favour which is registered with the Competent Authority. He has not practised fraud or forgery. He has been detained in custody for 66 days. He is ready, willing and prepared to co-operate with the investigating Authority.

Learned Advocate for the State strongly opposes the prayer for bail.

We are told that the investigating Authority had obtained Police custody of the petitioner. However, nothing was recovered from the petitioner. We are surprised that in spite of passage of 66 days, charge-sheet has not been submitted. No substantial progress appears to have been made in the investigation. The dispute also seems to partake of a civil nature.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that the petitioner may be enlarged on bail so long as he co-operates fully with the investigating Authority and complies with further terms and conditions as hereinafter stated.

Accordingly, we direct that the petitioner, namely, **Aloke Das @ Bumba** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandannagar, Hooghly, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave his local jurisdiction without the permission of the learned Trial Court until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the

Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1605 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)