

10.06.2024
Court No.29
Item No. 21
Allowed

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CRM (A) 1857 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Illambazar Police Station Case No. 68 of 2024 dated 21.03.2024 corresponding to G.R. Case No. 396 of 2024 under Sections 420/467/468/34 of the Indian Penal Code.

And

In Re: **Sanjoy Zamadar & Ors.**

Petitioners

Mr. Kunal Ganguly

For the Petitioners

Mr. Debasish Roy, Ld. P.P
Mr. Rudradipta Nandy, Ld. APP
Ms. Sanjana Saha

For the State

1. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the instant case.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has submitted that the de-facto complainant has made allegation of misrepresentation and fraud and the matter is still under investigation. It is further submitted that the notice under Section 41(A) of the Code of Criminal Procedure has been complied with. Learned counsel has also referred to a Title Suit filed by the de-facto complainant against the petitioners being T.S No. 77 of 2024 before the learned Civil Judge, Junior Division, at Sadar Birbhum for declaration and cancellation of two deeds which also form part of the criminal complaint.
3. Considering the materials available in the case diary and nature of dispute between the parties, we are of the view that custodial interrogation of the petitioners are not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners namely, **Sanjoy Zamadar, Krishna Kanta Chowdhury and Khudiram Jamadar** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating Officer once in a week till the submission of the final report and shall not leave the jurisdiction of district Birbhum without express leave of the jurisdictional Court. The petitioners shall appear before the jurisdictional Court within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is thus disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)