

10.06.2024  
Court No.29  
Item No. 17  
**Allowed**

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**CRM (A) 1852 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Lake Town Police Station Case No. 97 of 2024 dated 10.04.2024 corresponding to G.R. Case No. 412 of 2024 under Sections 441/447/465/467/471/472/473/474/475/506/120B of the Indian Penal Code.

And

In Re: **Achintya Bose**

Petitioner

Mr. Pinak Kumar Mitra  
Ms. Subhaniwita Ghosh

For the Petitioner

Mr. Jaydeep Biswas  
Mr. Tirupati Mukherjee

For the State

Mr. Joydeep Kar  
Mr. Debasish Kundu  
Mr. Atarup Banerjee  
Mr. Arindam Sen  
Mr. Saurav Basu  
Mr. Samit Bhanja

For the De-facto Complainant

1. Learned counsel for the petitioner submits that he has been falsely implicated in the instant case. There is a civil suit pending against the de-facto complainant in which an order of injunction is still subsisting. The de-facto complainant filed the complaint after the civil suit was instituted. Learned counsel has referred to an order passed by a coordinate bench on 21<sup>st</sup> May, 2024 in which one Sanjay Puri with whom the present petitioner has made a development agreement was granted anticipatory bail.
2. It is claimed by the de-facto complainant that the deed forming the subject matter of civil suit is a forged document.

3. Learned counsel for the State in opposing the prayer for anticipatory bail submits that the matter is still under investigation. However, it is conceded that a Civil Suit is pending between the parties in which an interim order is subsisting.
4. Mr. Joydeep Kar, learned counsel for the de-facto complainant, has submitted that Sanjay Puri has not asserted any title over the property in question and the matter is still at the stage of investigation.
5. Considering the nature of the dispute and the materials available in the case diary and the nature of involvement of the petitioner in the alleged offence and also having regard to the fact that a civil suit is pending between the parties in respect of the property in question and taking note of the aforesaid fact a coordinate bench granted anticipatory bail to one Sanjay Puri, we are of the view that custodial interrogation of the petitioner is not necessary.
6. 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 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 petitioner shall meet the Investigating Officer once in a week till the submission of the final report and 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.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.

8. 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)**