

18.07.2024
Sl No. 10
Court No. 29
TN
(Allowed)

CRM (A) 1972 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Deganga Police Station Case No. 584 of 2023 dated 10.11.2023 under Sections 417/419/420/465/467/468/471/34 of the Indian Penal Code.

And

In the matter of : **Tapan Kumar Ghosh and others.**

- petitioners

Mr. Ramdulal Manna,
Ms. Manju Manna (Dey),
Mr. Sayan Mukherjee

....for the petitioners

Mr. Anand Keshari,
Ms. Rafat Jahan

... for the State.

1. Pursuant to our earlier direction, the Investigation Officer (IO) has filed a report wherefrom it appears that all the petitioners save and except the petitioner no. 1 have complied with the notice under Section 41A of the Code of Criminal Procedure and nothing unsatisfactory has been recorded in the report. However, the petitioner no. 1 did not visit the police station despite service of the notice due to medical emergency.
2. The learned counsel for the State has produced the case diary.
3. Considering the materials available in the case diary and *prima facie* it appears that there has been existing dispute between the co-sharers over various properties and proceedings are pending before the BL&LRO, we are of the

view that custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Tapan Kumar Ghosh, Smt. Kalpana Nag Chowdhury, Smt. Dipti Nag Chowdhury, Smt. Chaina Roy, Smt. Madhusri Basu, Biswarup Ghosh, Smt. Bansari Nag Chowdhury, Gagari Nag Chowdhury and Basudev Nag Chowdhury** shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.
5. The petitioner no. 1 shall meet the IO as and when required after recovery from his illness. Petitioner nos. 6 and 9 shall meet the IO once in a week or as and when required till submission of the final report. Petitioner nos. 2, 3, 4, 5, 7 and 8 shall cooperate with the investigation.
6. It is further directed that the present accused petitioner nos. 2 to 9 shall appear before the learned Additional Chief Judicial Magistrate, Barasat, District-North 24 Parganas within two weeks from date and pray for regular bail and the petitioner no. 1 shall appear as and when required after he is declared fit by the attending doctor.
7. Accordingly, the application for anticipatory bail is disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)