

10.07.2024
SI No. 24
Court No.29
TN
(Allowed)

CRM (A) 2293 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Chanchal Police Station Case No. 241 of 2023 dated 02.03.2023 under Sections 467/468/506/34 of the Indian Penal Code.

And

In the matter of: **Lutfur Rahaman @ Md. Lutfur Rahaman and others .**

- petitioners.

Mr. A. Islam,
Mr. S. Mukherjee,
Mr. S. Pakrashey

.... for the petitioners.

Ms. Rituparna De Ghose,
Ms. Manasi Roy

... for the State.

1. The learned counsel for the petitioners submits that there is a civil dispute between the parties over possession of land and civil suit filed by the petitioners has been decreed in favour of the petitioners. Out of grudge, a false complaint has been lodged by the *de facto* complainant.
2. The learned counsel for the State has produced the case diary while admitting that a decree has been passed in favour of the petitioners. It is argued that for the purpose of investigation, the petitioners were directed to produce the relevant title deeds.
3. The learned counsel for the petitioners submits that the petitioners shall cooperate with the investigation and do the needful.
4. Considering the materials available in the case diary, *prima facie* it appears that the dispute is civil in nature.

Accordingly, we are of the view that custodial interrogation of the petitioners is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Lutfur Rahaman @ Md. Lutfur Rahaman, Md. Mahibur Rahaman and Md. Jiaul Rahaman @ Md. Ziaur Rahaman** 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.
6. The petitioners shall appear before the Investigating Officer of the case once in a week or as and when required till submission of the final report. They shall cooperate with the investigation.
7. It is further directed that the present accused petitioners shall appear before the learned Additional Chief Judicial Magistrate, Chanchal, Malda within two weeks from date and pray for regular bail.
8. Accordingly, the application for anticipatory bail is disposed of.
9. 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.)