

29.07.2024
SL No.45
Court No.29
(gc)
(Allowed)

CRM (A) 2519 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Rajarhat Police Station Case No.389 of 2023, dated 23.12.2023 under Sections 120B/419/420/406/467/468/471/506 of the Indian Penal Code.

And

In the matter of : **Sukanta Kayal**

- Petitioner.

Mr. Debjit Mukherjee,
Ms. S. Chatterjee,
Mr. K. Bhattacharya

....For the Petitioner.

Mr. Rinku Sen,
Mr. Sagnik Bhattacharya

....For the De facto Complainant.

Mr. Rudradipta Nandy,
Mr. Sayan Dev Kumar

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and on the self-same property, a suit has been filed by the de facto complainant against the present petitioner for declaration and permanent injunction in which an ad interim order was passed on 31st January, 2024.
2. The learned Counsel for the de facto complainant has submitted that the petitioner is not the owner of the property and he does not have share over the property and he has manufactured and fabricated the documents including the signature of the de facto complainant in several deeds which is the subject matter of challenge in the civil suit.
3. The learned Counsel for the State has produced the case diary.

4. Considering the nature of the dispute which, prima facie, appears to be civil in nature, we are of the view that the custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sukanta Kayal**, shall be released on bail upon furnishing a bond of Rs.20,000/-, 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 corresponding to Section 482(2) of the BNSS, 2023. It is further directed that the petitioner shall meet the I.O. once in a week till the submission of the final report and shall not leave the jurisdiction of the Police Station Rajarhat except for the purpose of meeting the I.O. and attending the Court.
6. It is further directed that the petitioner shall appear before the learned Chief Judicial Magistrate, Barasat at North 24-Parganas in connection with G.R. Case No.4012 of 2023 within two weeks from date.
7. It is further directed that the petitioner shall appear each and every date of hearing before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.
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.)