

30.07.2024
Court No.29
Item No. 95

Allowed

sg

CRM (A) 2554 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, 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, pending before the learned Chief Judicial Magistrate, Barasat at North 24 Parganas.

And

In Re: **Apu Nandy**

Petitioner

Mr. Debjit Mukherjee
Mr. S. Chatterjee
Mr. K. Bhattacharyee

For the Petitioner

Mr. Madhushudan Sur
Ms. Mausumi Sarkar

For the State

Mr. Sagnik Bhattacharya

For the de-facto complainant

1. Claiming parity with one Sukanta Kayal who was related on anticipatory bail in CRM(A) 2519 of 2024 on 29th July, 2024, a prayer for anticipatory bail is made on behalf of the petitioner.
2. The learned Counsel for the State has opposed the prayer. Mr. Madhushudan Sur, learned APP appearing on behalf of the State has submitted that the petitioner is the main culprit. He has forged the signature of the original owner and fabricated the power of attorney on the basis of which the property was sold to other persons.
3. The learned Counsel for the defacto complainant has supported the submission of Mr. Sur.

4. Considering the materials available in the case diary, we are of the view that the petitioner stands on the same footing as that of Sukanta Kayal inasmuch as a civil suit is pending where the issue of illegality and validity of the deed has been questioned by the de-facto complainant and also considering the nature of dispute which prima facie appears to be civil in nature, we are inclined to grant anticipatory bail to the present petitioners.
5. Accordingly, we direct that in the event of arrest the petitioners, **Apu Nandy**, 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 prayer for anticipatory bail of the petitioners is allowed.
9. CRM (A) 2555 of 2024 is, thus, disposed of.

10. 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.)