

19.08.2024
SL No.22
Court No.29
(gc)
(Allowed)

CRM (A) 2805 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kalna Police Station Case No.695 of 2024 dated 11.06.2024 under Sections 420/468/467 of the Indian Penal Code.

And

In the matter of : **Chanchal Jash & Anr.**

- Petitioners.

Mr. Tarun Jyoti Tewari,
Ms. Kausiki Bose

....For the Petitioners.

Ms. Rituparna Ghosh,
Mr. Subhajit Chowdhury

... For the State.

1. The learned Counsel for the petitioners submits that due to a civil suit filed by the petitioners under the specific performance in which an order of injunction was passed in favour of the petitioners, a false complaint has been lodged by the de facto complainant. It is further submitted that in the suit, the de facto complainant has filed the written statement. It is also submitted that letter of complaint is silent about the pendency of the civil suit.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail has submitted that the petitioners are land grabbers and they forcefully want to grab the land from the de facto complainant who is 76 years' old and the witnesses to the alleged deed have clearly stated that signatures are forged. It is further submitted that the petitioners have criminal antecedents.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of

the alleged offence and having regard to the fact that the civil suit is pending for the self-same property in which as on date the petitioners are enjoying an ad-interim order of injunction and also having regard to the fact that the said suit is contested by the de facto complainant by filing written statement, 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, **Chanchal Jash** and **Sandip Das @ Tita**, shall be released on bail upon furnishing a bond of Rs.20,000/- 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 corresponding to Section 482(2) of the BNSS, 2023 and the petitioners shall meet the I.O. once in a week till the submission of the final report.
5. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate at Kalna in connection with G.R. Case No.471 of 2024 within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)