

02.09.2024
Court No.29
Item No. 58

Allowed
sg

CRM (A) 3024 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 Nabagram Police Station Case No. 288 of 2024 dated 18.06.2024 under Sections 419/420/467/468/471 of the Indian Penal Code, pending before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad.

And

In Re: **Malay Ghosh**

Petitioner

Mrs. Minoti Gomes
Mr. Soumyajit Das Mahapatra

For the Petitioner

Mr. Subhomoy Bhattacharya
Mr. Soumadip Saha

For the State

1. The learned Counsel for the petitioner submits that due to political reasons, a false complaint has been lodged against the petitioner.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has submitted that the petitioner has forged four legal heir certificates from the Pradhan of the Gram Panchayat concerned and produced such certificates before the concerned Block Land & Land Reforms Officer in order to secure advantage to the persons named in such legal heir certificates.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and having regard to the fact that the petitioner is not beneficiary or named in any of the alleged legal heir certificates and also having regard to the fact that all documents have been collected in the meantime, we are of the view that custodial interrogation of the present petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest the petitioner namely, **Malay Ghosh**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner shall meet the I.O. as and when required till the submission of the final report. The petitioner shall appear before the learned Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, within two weeks from date.
5. In the event the petitioner fails to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel her bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)