

05.09.2024
Court No.29
Item No. 66

Allowed
sg

CRM (A) 3131 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 Muchipara Police Station Case No. 39 of 2024 dated 20.03.2024 under Sections 467/468/471/120B of the Indian Penal Code, pending before the learned Chief Judicial Magistrate-II, Calcutta.

And

In Re: **Sudhangsu Debnath**

Petitioner

Mr. Krishnendu Bhattacharya
Mr. Suman Dutta
Mr. Priyankar Ganguly
Ms. Shalini Bairagi
Mr. Rounak Majumdar

For the Petitioner

Mr. Rudradipta Nandy
Ms. Sanjana Saha

For the State

Mr. Pradhut Kumar Nandi

For the defacto complainant

1. We have heard the learned Counsel for the parties. The present petitioner claims to have purchased the property from Sanjay Kumar Dutta, one of the sons of Bibhuti Bhusan Dutta. Bibhuti Bhushan is the son of Haripada Dutta. It is alleged that Sanjay Kumar Dutta as the complainant claimed right title from the legal heirs of Ashutosh who, along with the predecessor of Sanjay, Bibhuti Bhusan and Kush Chandra Dutta, were the legal heirs of Haripada. The defacto complainant alleged that by reason of family partition, Bhibhuti and Kush relinquished their shares and Ashutosh became the absolute owner of the property and by way of misrepresentation, Sanjoy had sold the property claiming himself to be legal heir of Ashutosh without declaring that Ashutosh

Dutta died leaving behind three daughters who have inherited the estate of Ashutosh. It was further submitted that based on such fabricated document, the present petitioner applied for mutation and on that basis, he obtained mutation in respect of the entirety of the property. Haripada Dutta who however was revoked by the KMC after the parent deeds were produced. The materials in the case diary show that there has been case and counter case between the parties. The present petitioner in fact has filed two suits. The latter being a suit challenging the deed of conveyance in favour of the defcto complainant and the second is to challenge the decision of the KMC to revoke the mutation.

2. Having regard to the nature of controversy between the parties which essentially appears to be a title dispute and prima facie civil in nature, we are of the view of that custodial interrogation of the present petitioner is not necessary.
3. Accordingly, we direct that in the event of arrest the petitioner namely, **Sudhangsu Debnath**, 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 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. once in a week and shall appear before the Trial Court within two weeks from date.
4. 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 his bail in accordance with law without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

6. 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.)