

03.01.2024
Item No.5
Ct. No. 29
CHC
Rejected

C.R.M.(A) 4232 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bowbazar** Police Station Case No. **16** of **2022** dated **17.01.2022** under Sections **468/467/471/193/417/120B** of the Indian Penal Code.

And

In the matter of : MD. MUNEER @ MOHAMMAD MUNEER QURAISHI
..... petitioner

Mr. Sandipan Ganguly, Sr. Advocate
Ms. Sanchita Chaudhuri,
Ms. Meena Shabnam
....for the petitioner

Mr. Kaushik Gupta,
Mr. Arnab Nandi,
Ms. Srimoyee Mukherjee
...for the de facto complainant

Mr. Sudip Ghosh, Sr. Govt. Advocate
Mr. Koushik Kundu
....for the State

Petition is taken up for consideration subsequent to the order dated October 16, 2023 passed by the co-ordinate Bench.

By such order, the coordinate Bench granted interim anticipatory bail to the petitioner.

It is submitted at the bar that, such order was passed without consulting the materials in the Case Diary and in view of the ensuing Puja Vacation.

Learned Senior Advocate appearing for the petitioner submits that, the petitioner was falsely implicated. Co-accused were granted either anticipatory bail or bail by the jurisdictional

Court. The person alleged to impersonate one of the executants to a registered deed of conveyance was granted anticipatory bail without any person assailing such order before a superior Court. Therefore, he submits that, petitioner stands on the same footing if not better than such co-accused.

Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary. He submits that, registered deed is yet to be seized.

It is claimed that, the original deed is with the petitioner.

Learned advocate appearing for the State submits that, police filed charge-sheet pursuant to orders of the High Court passed in the writ jurisdiction.

Learned advocate appearing for the de facto complainant submits that, his clients are in the process of taking exception to the charge-sheet submitted.

Learned advocate appearing for the de facto complainant refers to the order rejecting the prayer for anticipatory bail passed by the jurisdictional Court. He submits that, petitioner is a relative of the person who was impersonated.

We find from the materials in the Case Diary that, the police complaint relates to a registered deed of conveyance. Apparently, the petitioner before us identified his relative as the executant. It is claimed that the petitioner by such identification facilitated impersonation of the actual person. Enlarging the petitioner on anticipatory bail at this stage is likely to send a wrong signal to the society.

In such circumstances, we are unable to extend the interim order dated October 16, 2023 or grant anticipatory bail to the petitioner.

This application for anticipatory bail is, thus, rejected.

CRM(A) 4232 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)