

02.01.2024

Serial no. 49

Anticipatory bail

[Allowed]

Dd

CRM (A) 4266 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Uttarpara** Police Station Case No. **250** of **2023** dated **13.07.2023** under Sections **419/420/406/467/468/341/323/354B** of the Indian Penal Code, 1860.*

(G.R. Case No. 1628/2023)

-And-

*In the matter of : **Arun Kumar Ghatak***

... .. Petitioner

Mr. Susnigdho Bhattacharyya,

Mr. Soumik Ganguly, Advocate

... .. For the Petitioner

Mr. Tanmoy Kr. Ghosh, SGA

Mr. Arindam Sen, Advocate

... ..For the State

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary. It appears that the police complaint revolves around a registered deed of conveyance. It is claimed by the de facto complainant that, a lesser amount of an immovable property was sold to the de facto complainant while the petitioner took money for a larger area.

As noted above, the police complaint revolves around a registered document. The allegation as to whether, lesser

amount of property was sold or not is an issue which can be looked at the trial.

Need for custodial interrogation of the petitioner is not felt.

In such circumstances, we confirm the order granted on October 16, 2023.

Consequently, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear on every date 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4266 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

