

30.09.2024
Court No.29
Item No. 27

Allowed

sg

CRM (A) 3477 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Technocity Police Station Case No. 26 of 2024 dated 16.02.2024 under Sections 411/420/467/468/469/471/120B/34 of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Barasat, North 24 Parganas.

And

In Re: **Swapn Kumar Dey @ Swapn Kumar Dey**
Petitioner

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Sayantan Bose
Mr. Mrityunjay Chatterjee
Mr. Debapriya Majumder
Ms. Manisha Das

For the Petitioner

Mr. Sandip Chakraborty
Mr. Prakash Mishra

For the State

1. The petitioner is an employee of Bengal Park Chambers Housing Development Limited. He was an authorized representative of the said company. It is alleged that three persons, on the basis of a forged power of attorney, sold the valuable immovable properties in favour of Bengal Park Chambers Housing Development Limited for consideration. It reveals from the case diary that the legal heirs of the original owners have lodged complaint against the three persons which allegedly have forged the signature of the deceased owners in the power of attorney, on the basis of which, the properties have been sold in favour of the Bengal Park Chambers Housing Development Limited. In the said transaction, the present petitioner was the

executant and it further reveals that substantial amount has been paid to three co-accused towards consideration.

2. The learned Counsel for the State has submitted that three co-accused have been granted bail by the jurisdictional Court on surrender.
3. It, prima facie, appears that Bengal Park Chambers Housing Development Limited may be a bona fide purchaser for value without notice and prima facie, there may not be any criminal intention to cheat the original owners with any dishonest. In view thereof, we are of the view that the custodial interrogation of the present petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the present petitioner, namely, **Swapan Kumar Dey @ Swapn Kumar Dey**, shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 Bharatiya Nagarik Suraksha Sanhita and on further condition that the petitioner shall meet the Investigating Officer once in a fortnight. The petitioner shall appear before the jurisdictional Court within ten days from date.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
6. Memo of Evidence filed in Court is taken on record.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)