

03.01.2024

Sl.105

Court No.29

(AD)

(Rejected)

C.R.M. (A) 4441 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No.**559 of 2023** dated **13.06.2023** under Sections **419/420/467/468/471/120B** of the Indian Penal Code, 1860, corresponding to G.R. Case No.1672 of 2023.

And

In the matter of: **Md. Emaz Hossain**

....petitioner.

Mr. Soupal Chatterjee

Ms. Sucheta Banerjee

Mr. Bimal Sil

... for the petitioner.

Mr. Swapan Banerjee

Ms. Purnima Ghosh

...for the State.

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 passed by the Coordinate Bench.

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

It is submitted at the bar that such order was passed without considering the materials in the case diary and in view of the ensuing puja vacation.

We perused the materials in the case diary.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. Petitioner is merely a scribe of a document subsequently registered.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

There are statements recorded under Section 161 of the Code of Criminal Procedure which suggests that the petitioner is the mastermind of manufacturing forged documents to ostensibly transfer the title of immovable properties to persons.

Enlarging the petitioner on anticipatory bail at this stage, will be inimical to the investigation given the nature of incident involved.

In such circumstances, we are unable to confirm the interim order dated October 16, 2023.

Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

C.R.M. (A) 4441 of 2023 is dismissed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)