

07.10.2024
SL No.38
Court No.29
(SSS)
(Allowed)

CRM (A) 3602 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Nabadwip Police Station Case No.523 of 2024 dated 07.08.2024 under Sections 318(4), 336(2), 338 and 3(5) of the Indian Penal Code and under Section 4(D) of the West Bengal Land Reforms Act, 1955.

And

In the matter of Baikuntha Das and Anr.

- Petitioners.

Mr. Pawan Kumar Gupta,
Mr. Shiladitya Barma, Advs.
.....For the petitioners.

Ms. Saryati Dutta,
Mr. Soham De Dhara, Advs.
....For the State.

1. Learned Counsel for the petitioners submits that the petitioners are innocent purchasers for value without notice and they have been duped by a land broker against whom a criminal complaint has been lodged by the present petitioners. Learned Counsel for the State in opposing the prayer has submitted that there are discriminating materials showing active involvement of the petitioners. An FIR against the land broker was filed subsequent to the complaint being lodged by the BL and LRO. Moreover, the petitioners failed to appear on 23rd July, 2024 and furnish the required certificates.

2. Considering the materials available in the case diary and having regard to the extent and nature of the dispute and involvement of the petitioners in the commission of alleged offence prima facie it appears that on the basis of the documents submitted by the petitioners at the time of sanction of the building plan, the said documents were not found to be forged or fabricated and the possibility of the petitioners being misled by the persons from whom the petitioners have purchased the property, we are of the view that custodial interrogation of the petitioners are not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sri Baikuntha Das and Shipra Rani Barman Das** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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. The petitioners shall deposit the mobile with the Investigating Officer for forensic examination within 24 hours without tampering with the said mobile. It is further directed that the petitioners shall appear before the learned Judicial Magistrate, 1st Class, Nabadwip, Nadia and pray for regular bail within two weeks from date.
4. Accordingly, the application for anticipatory bail is disposed of.
5. We make it clear that in the event the petitioners fail to appear before the I.O on the date and time fixed and fails to cooperate

in the investigation, the Opposite Party shall be entitled to apply for conciliation of bail.

6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)