

12.11.2024
Sl. No.4
akd
[ALLOWED]

C. R. M. (A) 3659 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 27.09.2024 in connection with Kalyani Police Station Case No.762 of 2024 dated 21.09.2024 under Sections 419/420/467/468/471/323/506/34 of the Indian Penal Code.

And

In Re: **Satyajit Debnath & Ors.**

... .. Petitioners

Ms. Minoti Gomes

... .. for the petitioners

Ms. Anasuya Sinha .. Id. Addl. Public Prosecutor

Ms. Suveni Banerjee

... .. for the State

1. Petitioner nos.1 & 2 are the sons of late Radhabinod Debnath and late Renubala Debnath. Petitioner no.3 is their nephew. After the death of Radhabinod, Renubala gifted her share in the ancestral property to petitioner nos.1 & 2 in 2016. No dispute was raised during her lifetime. After her death it is alleged the gift deed is forged and a criminal case has been registered. Accordingly, they pray for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits investigation is in progress. Steps have been taken to collect the admitted signatures of Late Renubala Debnath.

3. We have considered the materials on record. A registered gift deed was executed by late Renubala Debnath, mother of petitioner nos.1 & 2 in their favour in 2016. After her death, de-facto complainant alleges the deed is forged. A registered instrument has a presumption of genuineness. The suspected deed is in custody of police. Hence,

progress of investigation does not require custodial interrogation of the petitioners.

4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners however, subject to conditions.

5. Accordingly, we direct in the event of arrest, the petitioners, namely **(1) Satyajit Debnath, (2) Ranjit Debnath & (3) Bablu Mitra @ Ramkrishna Mitra**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition that the petitioners shall meet the Investigating Officer once in a week until further orders. They shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)