

30.01.2024
DL.64
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5023 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Girish Park** Police Station Case No.**252 of 2022** dated **29.11.2022** under Sections **420/406/120B/465/467/468/471** of the Indian Penal Code. (G.R. Case No.1431 of 2022).

And

In the matter of: **Megha Kanodia & Ors.**

....petitioners.

Mr. Sabyasachi Banerjee
Mr. Anirban Guha Thakurata
Mr. Anurag Sardar

... for the petitioners.

Mr. Swapan Banerjee
Mr. Suman De

...for the State.

Mr. Debasish Chattopadhyay
Mr. Tirthankar Basu

... for the de facto complainant..

The application is taken up for consideration subsequent to the order dated January 22, 2024.

Learned Advocate appearing for the petitioners draws our attention to the earlier orders passed by this Court. He submits that pursuant to the observation made by the Court, his clients are prepared to vacate the property in question provided four months time is granted to his clients. He seeks to rely upon an affidavit to such effect.

Learned Advocate appearing for the de facto complainant submits that further time is required to consider the contents of such affidavit. He opposes the offer of the petitioners to vacate the property. He draws the attention of the Court to the fact that there is a decree against the lawful tenant. Petitioners before us are rank outsiders. They are bound by the decree of eviction.

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

First order passed by the Coordinate Bench is dated December 1, 2023 where the Court observed that the investigation revolves around sub-lease agreement which is alleged to be forged. Petitioners were directed to cooperate with the investigation and produce the original sub-lease before the investigating agency.

Learned Advocate appearing for the petitioners submits that the petitioners do not possess the original sub-lease.

The second order is dated December 13, 2023 where the Coordinate Bench protected the petitioners from arrest. The Coordinate Bench also recorded that the petitioners will produce documents whatsoever is there with the petitioners.

Learned Advocate appearing for the petitioners submits that subsequent to the order dated December 13, 2023 petitioners deposited all documents available with them with the investigating agency.

Apparently, there are civil disputes with regard to an immovable property. Civil Courts are in *seisin* with regard to the right to possess the property in question.

In such circumstances, we deem it appropriate to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners will report before the Investigating Officer as and when called for till the conclusion of the investigation and on condition

that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

C.R.M. (A) 5023 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)