

Court No. 29

31.01.2024

(AD 47)

Allowed

(S. Banerjee)

CRM(A) 5202 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gaighata** Police Station Case No. **858 of 2023** dated **28.08.2023** under Sections 420/467/468/471/34 of the Indian Penal Code.

And

In the matter of: **Subhash Krishna Thakur & Anr.**

Mr. Kallol Kumar Basu
Md. Jannat ul Firdous

... for the petitioners

Mr. Tanmoy Kumar Ghosh
Mr. Sandip Kundu

... for the State

The de facto complainant instituted a civil suit, being Title Suit No. 18 of 2005 in the court of the learned Civil Judge (Junior Division), Bangaon, North 24 Parganas. Subject-matter of such suit was plot no. 214. The criminal case relates to such plot. The de facto complainant lost such suit and thereafter lodged the criminal complaint.

In such circumstances, we 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 also be subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall report before the Investigating Officer as and when called for by the Investigating Officer, till the conclusion of the investigation and on further 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 petitioner in court including cancelling the anticipatory bail granted without further reference to this court.

Prayer for anticipatory bail is allowed.

CRM(A) 5202 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)