

27.11.2024
Sl. No.18
akd
[ALLOWED]

C. R. M. (A) 4087 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 18.11.2024 in connection with Narendrapur Police Station Case No.474 of 2024 dated 19.04.2024 under Sections 467/468/471/420/120B/193/196/198/199/200 of the Indian Penal Code. (G.R. Case No.3002 of 2024)

And

In Re: ***Debangshu Mondal @ Debanshu Mondal***

... .. Petitioner

Mr. Sekhar Kumar Basu .. Sr. Advocate
Mr. Raghunath Chakraborty
Ms. Nandini Chatterjee

... .. for the petitioner

Mr. Amartya Ghosh
Mr. Sujan Chatterjee
Mr. Souryadeep Ghosh
Mr. Rohan Bavishi

... .. for the de-facto complainant

Mr. Debasis Roy .. Id. Public Prosecutor
Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mr. Parthapratim Das

... .. for the State

1. It is submitted on behalf of the petitioner a criminal case was registered against the de-facto complainant in 2020 alleging he had procured a fake deed of gift in 2017 from one Subodh Mondal who had already expired. The said proceeding had been initiated by one Biman Bhattacharya who had produced the death certificate of Subodh Mondal stating the latter had died in 1979. Petitioner had no role to play in producing the death certificate in court. Biman Bhattacharya has been enlarged on regular bail. Petitioner has been implicated out of suspicion and prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits in the earlier proceeding initiated against the de-facto complainant, a fake death certificate showing one Subodh

Mondal had died in 1979 had been produced. Materials collected during investigation show involvement of the petitioner in manufacture and use of the fake death certificate.

3. Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail. He submits a deed of gift had been executed in favour of his client by one Subodh Mondal in 2017. Subodh died in 2018. Alleging that Subodh had died in 1979, a false case was registered against him and a fake death certificate was produced in a judicial proceeding before this court. Petitioner is a relation of Subodh and had aided and abetted Biman Bhattacharya to produce the fake death certificate.

4. We have considered the materials on record. In 2020 one Biman Bhattacharya lodged a criminal case against the de-facto complainant alleging the latter had procured a fake deed of gift executed by Subodh Mondal who had died in 1979. In support of his plea he submitted a purported death certificate before this court showing Subodh had died in 1979. Subsequently the proceeding was withdrawn. During investigation Biman stated petitioner, a relation of Subodh had handed over the death certificate to him. Complicity of the petitioner is primarily founded on the statement of co-accused viz. Biman Bhattacharya. Biman has been granted regular bail.

5. State and de-facto complainant strongly contend petitioner being a relation of Subodh was fully aware of the date of his death and intentionally connived with Biman to make false assertion. This issue may be thrashed out in course of trial.

6. However, in view of the fact the alleged fake document is in control and custody of police and Biman Bhattacharya who had used the said document is on regular bail, we are of the opinion custodial

interrogation of the petitioner is not necessary and he may be granted anticipatory bail however, subject to conditions.

7. Accordingly, we direct in the event of arrest, the petitioner, namely, ***Debangshu Mondal @ Debanshu Mondal***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 petitioner shall meet the Investigating Officer once in a week until further orders. He shall cooperate with investigation and give his specimen signature and handwriting, if necessary. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)