

09.12.2024
tkm/ct 28
sl no. 74

C.R.M. (A) 4197 of 2024

In Re : An application for anticipatory bail under section 482 of BNSS 2023 in connection with Dadpur P.S Case no. 273 of 2024 dated 9.8.2024 under sections 420/406/506 IPC

Allowed

and
In Re : Amar Kumar Jain & Anr. petitioners

Mr. Chanchal Kr. Dey
..... for the petitioners
Ms. Faria Hossain
Md. Zubair Alam
..... for the State

1. Petitioners contend land was transferred on the strength of a registered instrument and the de facto complainant had received valuable consideration. Subsequently, he lodged criminal case allegation that he was not present during registration and his signature was forged. They pray for anticipatory bail.
2. Learned lawyer for the State opposes the prayer.
3. We have considered the materials on record. Immovable property was transferred by co-sharers on the strength of registered instrument. Examination of the registered document shows the picture of the de facto complainant was affixed to the instrument and it is contended he has received valuable consideration. On the other hand, de facto complainant claims his signature was forged and he had not received any consideration.
4. It is trite that a registered instrument has a presumption of genuineness. Nothing is placed on record to show that registration was done by personating the de facto

complainant through a different person. In fact his picture has been affixed to the instrument. Registered instrument is in the control and custody of the investigating agency.

5. Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.
6. Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- 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 BNSS 2023 and on further condition that the petitioners while on bail shall meet the investigating officer once in a week until furthers.
7. Petitioners shall appear before the jurisdictional court and pray for regular bail within four weeks from date.
8. The application being CRM (A) 4197 of 2024 is disposed of.

(Gaurang Kanth , J.)

(Joymalya Bagchi, J.)