

08.01.2024

ML.14

Court No.29

(AD)

(Allowed)

C.R.M. (A) 5751 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tamluk** Police Station Case No. **1323 of 2023** dated **14.12.2023** under Sections **467/468/471/420** of the Indian Penal Code, 1860 (corresponding to G.R. Case No.4153 of 2023).

And

In the matter of: **Gobinda Karan**

....petitioner.

Mr. Kallol Mondal

Mr. Krishan Ray

Mr. Souvik Das

Mr. Anamitra Banerjee

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP

Ms. Trina Mitra

...for the State.

Mr. Krishnendu Bhattacharya

Mr. Arijit Bhowmik

Mr. Priyankar Ganguly

Ms. Neelanjana Ghorui

Ms. Sarmistha Basak

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that there is a civil suit pending relating to the deed in question. The allegation is of a forgery. The original deed was seized by the police. Therefore, custodial interrogation of the petitioner is not required.

State and the de facto complainant are represented.

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

Learned Advocate appearing for the de facto complainant submits that the petitioner is claiming title through a deed which is forged. The Civil Court protected the rights of the petitioner. Neither the Civil Suit nor the order was passed in the civil suit absolves the petitioner of the criminal liability.

We considered the materials in the case diary and the rival contentions of the private parties.

The police complaint revolves around forgery of a registered document. The original deed was seized by the police.

There is a title suit pending. The deed is of January 19, 2004. The civil suit is of 2023. The police complaint is of 2023.

In such circumstances, we enlarge the petitioner on anticipatory bail.

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

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5751 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)