

25.04.2024
Court No.01
Item No. 11
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

ar

CRM (A) 259 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Matigara Police Station Case No. 562 of 2022 dated 14.5.2022 under Sections 406/420/323/506/34 of the Indian Penal Code read with Section 24 of the Maintenance and Welfare of Parents and Senior Citizen Act, 2007.

And

In Re: Poulami Ghosh Chatterjee @ Poulami & Anr.
Petitioners

Mr. Sourav Ganguly
Mr. Somraj Paul
Ms. Rishita Chakraborty

For the Petitioners

Mr. Nilay Chakraborty, learned APP
Mr. Sukanya Adhikary

For the State

1. Mr. Sourav Ganguly, learned counsel appearing on behalf of the petitioners in support of the application for anticipatory bail, submits before this Court that a civil dispute is converted into a criminal litigation.
2. Learned counsel for the State opposes the prayer for anticipatory bail
3. On perusal of the entire materials placed before us it reveals that the defacto-complainant is the mother while the present two accused petitioners are her married daughter and son-in-law. It appears from the materials placed before us that a civil suit is pending between the petitioners, informant and informant's son regarding a property.

4. It appears to us that the instant complaint has been filed after the initiation of the civil suit. It further appears that the investigation is document based. Therefore, custodial interrogation of the accused petitioners may not be necessary.
5. In view of such, we are inclined to grant anticipatory bail to the present accused petitioners.
6. Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating Officer, as and when called for, till the submission of the final report.
7. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
8. CRM (A) 259 of 2024 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)