

24.05.2024.
20.
as
(Rejected).

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

C.R.M. (A) 416 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pundibari P. S. Case No.800 of 2023 dated 07.11.2023 under Sections 323/325/406/467/468/471/120B of the Indian Penal Code.

In the matter of : **1) Anil Roy;**
2) Shyam Sundar Roy &
3) Tuhin Adhikary.
... Petitioners.

Mr. Sudip Guha.
...for the Petitioners.

Mr. Subhasish Mishra.
.....for the State.

Mr. Sourav Lohani.
...for the de-facto complainant.

1. Petitioners have approached this Court seeking anticipatory bail. It is contended petitioner No.1 is a deed writer and petitioner Nos.2 and 3 are mere signatories to the alleged forged deed. They were not aware of the forgery and had acted in good faith. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail. He submits petitioners are members of a land mafia and had presented a forged deed purportedly executed by a dead person viz., Mahendra Nath Roy.

3. Learned Advocate for the de-facto complainant contends said Mahendra Nath Roy had expired 45 years ago. A deed was prepared purportedly in his name with the aid of the petitioners and illegally registered.

4. We have considered the materials on record. We have perused the forged deed registered by ADSR Cooch Behar. The forged deed was executed in the name of a dead person viz., Mahendra Nath Roy. The said Mahendra Nath Roy had expired 45 years ago. The forged deed which was presented for registration bore the photograph of the deceased. Strangely enough, the registering authority proceeded to register the deed. This *prima facie* shows a deep rooted conspiracy to illegally register a forged instrument executed by a dead person. Not only the petitioners but the officers concerned who registered the illegal deed are involved in this racket.

5. In light of the aforesaid facts, we are of the opinion custodial interrogation of the petitioners to unravel the ramification of the conspiracy in illegal dealing and registration of land at the registration office concerned is necessary. Investigation in the instant case should unravel the conspiracy between the petitioners and the officers attached to the registration department who have dishonestly registered a deed executed by a dead person.

6. Accordingly, we direct the Superintendent of Police, Cooch Behar to transfer the investigation to a superior police

officer not lower than the rank of Deputy Superintendent of Police who shall forth take steps to add offences under Sections 13(1)(d)/13(2) of the Prevention of Corruption Act in the FIR and investigate the crime with regard to the conspiracy between the accused persons with the officers of the registration department in accordance with law.

7. With this direction the prayer for anticipatory bail is turned down.

8. Copy of this order be sent to the Superintendent of Police, Cooch Behar for due compliance.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)