

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

04.07.2024
Court No.1
(D/L 18)
(allowed)

CRM (A) 497 OF 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Bhorer Alo Police Station Case No.90 of 2024 dated 23.05.2024 under Sections 465/468/471/420/120B of the Indian Penal Code, 1860 corresponding to G.R. Case No. 2496 of 2024.

And

In the matter of: **Paritosh Sarkar & Anr.**

... Petitioners.

Mr. Jaydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Shubham Kumar
Ms. Rikta Sarkar
Ms. Sayantani Das

... for the petitioners.

Mr. Abhijit Sarkar
Ms. Namrata Das

... for the State.

Heard learned counsel for the parties.

Learned counsel for the petitioners submits that the dispute between the parties are civil in nature.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

We have perused the case diary. The petitioner No.1 and the complainant are legal heirs of Late Hara Kumar Sarkar and the dispute is in relation to undivided property of the petitioners and the complainant. Petitioner No.2 is the son of petitioner No.1.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioner be granted 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 the petitioners shall meet with the investigating officer of the concerned Police Station once in a week until conclusion of investigation and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. In default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The application for anticipatory bail is, accordingly, allowed.

[MD. SHABBAR RASHIDI, J.]

(RAJARSHI BHARADWAJ, J.)