

In the High Court at Calcutta
Circuit Bench at Jalpaiguri
Criminal Miscellaneous Application

22.10.2024
03
Ct. No. 08
A.R.D.R./ S.D.
Allowed

C.R.M.(A) 834 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Bhaktinagar** Police Station Case No. **698** of **2024** dated **01.08.2024** under Sections 420/465/467/468/471/34 of the Indian Penal Code, 1860.

And

In Re : Bikram Tewari

..... petitioner

Mr. Sourav Chatterjee

Mr. Avik Ghatak

Mr. Abhinav Rakshit

....for the petitioner

Mr. Aditi Shankar chakraborty, Ld. A.P.P.,

Mr. Tapan Bhattacharya

....for the State

This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 corresponding to section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhaktinagar Police Station Case No. 698 of 2024 dated 01.08.2024 under Sections 420/465/467/468/471/34 of the Indian Penal Code, 1860.

Learned counsel appearing on behalf of the petitioner submits as follows. It was alleged in the FIR that the petitioner along with others had used forged deeds to have land mutated in their names. Similar allegations were levelled against other accused in Bhaktinagar Police Station Case No. 697 of 2024 in

connection with the said case. A Coordinate Bench of this Court was pleased to grant anticipatory bail to an accused Rajen Sharma on 1-10-2024 in C.R.M. (A) 729 of 2024. On the ground of parity, another accused in that case, namely Subhas Ghorai @ Subhash Ghorai was granted anticipatory bail on 14-10-2024 in C.R.M. (A) 832 of 2024. It does not appear that orders granting anticipatory bail were challenged. The petitioner stands on exactly same footing, *albeit* in respect of another similar FIR. A title suit is pending over the ownership of land in question.

Learned counsel appearing on behalf of the State relies on the case diary and opposes the prayer for anticipatory bail. He submits that investigation is at an initial stage.

The case appears to be based on documents. The police are conducting investigation.

Thus, it does not appear that a case for custodial interrogation of the petitioner is made out.

Moreover, the petitioner is standing quite on the same footing as two other co-accused who were granted anticipatory bail by this Court in respect of a similar FIR.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, let the petitioner be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of

whom must be local, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on condition that the petitioner shall meet the Investigating Officer once a fortnight till the submission of the report in final form and on further 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 bail granted without further reference to this Court.

Criminal Section is directed to provide certified copy of this order, if applied for, to the parties upon completion of requisite formalities.

(Biswaroop Chowdhury, J.)

(Jay Sengupta, J.)