

28.11.2024
SI No.25
srm/Mujahid
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM(A) 840 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the B.N.S.S. filed on **04.11.2024** in connection with **Maynaguri** P.S. Case No. **422/2024** dated **18.09.2024** under Sections **406/420/120B** of the Indian Penal Code.

And

In the matter of: **Arup Das**

... Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Mr. Shubham Kumar,
Ms. Sayantani Das

... for the petitioner

Mr. Abhijit Sarkar,
Ms. Sukanya Adhikary

... for the State

Mr. Bikramaditya Ghosh,
Mr. Subrata Sarkar

...for the de facto complainant

The petitioner prays for anticipatory bail on the ground that other co-accused persons have already been granted anticipatory bail by the learned Sessions Judge, Jalpaiguri. Further contention is that the dispute is civil in nature and over ancestral properties belonging to parties. A civil suit is also pending.

The de facto complainant appears before the Court and submits that the learned Sessions Judge had observed that the entire sale transaction was illegally done at the behest of the petitioner. Thus, on this ground, the prayer for anticipatory bail should be rejected.

Mr. Sarkar, learned Advocate for the State submits that the petitioner fraudulently sold the shares of the other co-sharers on the basis of forged documents. The investigation is going on.

Having considered the rival contentions and having perused the records, we find that the dispute is with regard to property and has a civil flavour. Moreover, a civil suit is pending. The evidence in the case would be primarily based on documents. The petitioner also draws the attention of this Court to the earlier order dated November 13, 2024, passed by a coordinate Bench of this Court. Their Lordships had permitted the petitioner to appear before the police authorities and the petitioner has complied with such direction. The other co-accused have been granted the benefit of anticipatory bail.

Thus, custodial interrogation of the petitioner would not be necessary. The prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of equal 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 corresponding to Section 482(2) of B.N.S.S. The petitioner shall meet the investigating officer once in a week until further orders of the trial court.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of B.N.S.S., the learned

jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee J.)

(Shampa Sarkar, J.)