

02.04.2025
Sl. No.16
Ct. 28
Allowed
NB

C.R.M. (A) 1054 of 2025

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 Hare Street P. S. Case No.324 of 2024 dated 19.11.2024 under Sections 420, 406, 465, 468 and 471 Indian Penal Code, 2023 pending before the Chief Judicial Magistrate, Calcutta.

In the matter of : Smriti Bikash Bhattacharjee @ Smriti Bikash Bhattacharya
... Petitioner.

Mr. Kallol Mondal,
Mr. Souvik Das,
Mr. Anamitra Banerjee,
Mr. Akbar Laskar.
...for the petitioner.

Ms. Anasuya Sinha Id.PP.,
Mr. Anindya Sundar Chatterjee.
...for the State.

Mr. Ayan Bhattacharya Id.Sr.Adv.,
Mr. Soumalya Ganguli.
...for the de facto complainant.

Learned senior counsel representing the petitioner submits as follows. While the petitioner is a landlord, the de facto complainant is a promoter in this case. An agreement for promotion of a property was entered into in 2019. The promoter did not take any steps. Accordingly, the de facto complainant decided to cancel the agreement and contacted an advocate for this. He paid a substantial amount to prepare and register a deed of cancellation. The lawyer apparently cheated the petitioner. He produced a fake document. This was not actually registered although claiming to be

one that was registered. The petitioner, accordingly, sent communications to the de facto complainant and the concerned bank. After coming to know about the wrongdoing of the advocate, the petitioner made a complaint before the local police station. But, no FIR was registered. He even wrote to the Bar Council of West Bengal. But, this episode was cunningly used against him by the promoter. He filed an application under Section 156(3) of the Code of Criminal Procedure, 2023 in 2024, which was registered as an FIR. In the meantime, the de facto complainant filed a suit, which is pending.

Learned senior counsel representing the de facto complainant strongly opposes the prayer for anticipatory bail and submits that custodial interrogation is required as the original document has not been produced in this case.

Learned senior counsel representing the State submits that the petitioner has not cooperated with the investigation and has not responded to the notice.

First, for an old dispute, at least of the year 2022, the de facto complainant filed an application seeking registration of an FIR in 2024.

Secondly, this is such a document, which can again be executed by the petitioner and registered. One wonders as to why then he would want to forge such document.

In view of the contention of the petitioner that he has been cheated by his lawyer and the petitioner had made complaints to the concerned authorities in this regard, I am inclined to allow the application for anticipatory bail.

In the event of arrest, the petitioner shall be released upon furnishing a bond of Rs.5,000/- (Rupees Five Thousand Only) each, 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 further condition that he shall cooperate with the investigating officer.

Accordingly, the application for anticipatory bail being **CRM(A) 1054 of 2025** is, thus, allowed.

Urgent photostat certified copies of this order may be delivered to the learned Advocates for the parties, if applied for, upon compliance of all formalities.

(Jay Sengupta, J.)