

19.06.2025
Item No.296
Ct.No.34
rc.

C.R.M. (A) 1947 of 2025

In Re : An Application for bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Purulia (T) Police Station Case No. 51 of 2024 dated 13.03.2024 under Sections 406/420/467/468/471/409 of the Indian Penal Code.

And

In Re : **(1) Rajesh Kumar Lath**
 (2) Harish Kumar Lath

... Petitioners

Mr. Sashwata Gopal Mukherjee

Mr. Satadru Lahiri

Ms. Kanchan Jaju

... for the Petitioners

Mr. Rudradipta Nandy

Mr. Karan Bapuli

... for the State

Mr. Moyukh Mukherjee

Mr. Sobhan Gani

Mr. Md. Aqib Badr

Mr. Shakti Shivam

...for the defacto complainant

Heard learned counsels for the parties.

The matter relates to a family settlement deed purportedly executed in favour of the petitioners and other co-sharers. One of the co-sharers who is the complainant learnt from the newspaper that the property in question was about to be auctioned pursuant to a SARFAESI proceedings. On enquiry with the bank, it was found that the deed of settlement was mortgaged with the bank by the petitioners for taking loan which not being repaid, SARFAESI

proceedings was initiated and a direction for auction passed by the Debts Recovery Tribunal. The petitioners came before this Court in CRR No. 1622 of 2024 for quashing of the FIR and by an order passed on May 09, 2024, a coordinate Bench of this Court disposed of the application with following directions :

- “(1) The ACJM, Purulia will direct the bank authorities to hand over the settlement deed.
- (2) Signatures of all the persons appearing therein (provided they are alive) be directed to be taken and sent for examination by the handwriting expert.
- (3) In case the investigating officer requires the presence of the present petitioners, the investigating officer would be at liberty to serve notice upon them.
- (4) If the investigating officer is of the view that the custody of the petitioners are required for the purposes of the present case, going by the materials which have been collected, he would be at liberty to exercise his powers under the law after obtaining the opinion of the handwriting expert.
- (5) In the meantime, it would be the liberty of the petitioners to approach the appropriate court of law to exhaust the remedy available to them.”

Pursuant thereto the signatures of the executants of the purported settlement were sent before the handwriting expert for examination. The report reveals that besides the signatures of the petitioners, the signatures of the executants have not matched with that of the settlement. It prima facie appears that the signatures were forged in the said settlement for obtaining loan as well as usurping the shares of all the co-owners in respect of the property in question.

Investigation is in progress. Custodial interrogation of the petitioners may be required for the purpose of unveiling the truth.

In view of the above, prayer for anticipatory bail is rejected.

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

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)