

July 25, 2025

36 ARDR

(Allowed)

CRM (M) 885 of 2025

In Re : An Application for bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with **Berhampore** Police Station Case No. **1154** of **2025** dated **28/5/2025** under Sections **120B/406/419/420/467/468/470/471** of the Indian Penal Code.

And

In Re : Sudip Dey @ Raju

... Petitioner.

Sr. Adv. Sekha Kumar Basu,
Sr. Adv. Kallol Mondal,
Adv. Krishan Ray,
Adv. Souvik Das,
Adv. Anamitra Banerjee,
Adv. Akbar Laskar

... for the petitioner.

Sr. Adv. Pradip Kumar Ray,
Adv. Dipanwita Sarkar,
Adv. Sumedha Mukhopadhyay,
Adv. Swati Mitra,

...for the de facto complainant.

Adv. Bibaswan Bhattacharya,

... for the State.

Heard learned counsels for the parties.

The petitioner is in custody for 58 days and prays for bail.

It appears that six persons purchased the property in question jointly sometime in 2012. In 2021, a deed of sale was executed allegedly by the co-owners in favour of the petitioner. It was found that signatures, left thumb impressions and identities of the co-owners were allegedly forged by two of the co-owners Pradip Agarwal and Krishna Agarwal. Pradip Agarwal and Krishna Agarwal filed a suit before the Civil Court seeking declaration that the deed in question was void, collusive, inoperative and fraudulent. The suit was decreed on the basis of a compromise arrived at by and between the parties in 2022. The defacto complainant says that the application for compromise was signed by only the two co-owners and the petitioner. The other co-owners were in the dark about the

same. The deed in question was thereby cancelled. The present complaint has been lodged by one of the co-sharers Mahabir Prasad Agarwal alleging that Pradip Agarwal and Krishna Agarwal being the co-owners of the property executed a forged deed in favour of the present petitioner by impersonating the real owners and forging their signatures and other documents of identity. Learned counsel for the petitioner submits that the petitioner was the alleged purchaser of the property and had no role to play in the forgery of documents, if any.

Learned counsels for the State and the defacto complainant oppose the prayer for bail. Learned counsel for the State submits that the petitioner has a criminal antecedent to his credit. However, he is on bail in the earlier case.

I have considered the material on record.

The allegedly forged deed was executed sometime in 2021 and cancelled by a compromise decree of the Civil Court in 2022. The present complaint was lodged in 2025 alleging forgery of the said deed which already stood cancelled before about three years therefrom. The petitioner is not named in the FIR and there is no allegation of his connivance with the co-owners Pradip Agarwal and Krishna Agarwal in forging the deed as well as the documents. The main thrust of the allegation is against the co-owners Pradip Agarwal and Krishna Agarwal who allegedly executed the forged deed by impersonating the other co-owners behind their back. Investigation is in progress. The delay in lodging the FIR has not been explained.

Considering the material on record and extent of involvement of the petitioner in the alleged offence, this Court is of the view that

further detention of the petitioner is not required and he may be granted bail subject to stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely **Sudip Dey @ Raju** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned **Chief Judicial Magistrate, Murshidabad, Berhampore** subject to the condition that he shall remain within the jurisdiction of the concerned Court and shall meet the Investigating officer once a week till submission of the charge sheet. He shall cooperate in investigation and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated above, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case Diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Suvra Ghosh, J.)