

05.03.2025

49

sdas

CRM(DB) 2958 of 2024

In Re : An application for cancellation of anticipatory bail
under Section 483(3) of the BNSS.

AND

In Re : Atiya Tahseen Petitioner

Mr. Arun Kumar Maiti (Mohanty)

Mr. R. R. Mohanty

Ms. Snigdha Ghosh

Mr. Shivam Saha

..... for the petitioner

Ms. Sayanti Santra

Mr. Sourat Nandy

..... for the State

1. Petitioner has assailed order granting anticipatory bail to opposite party no. 2 in CRM(A) 5677 of 2023. It is contended order was obtained on the strength of incorrect submission that a civil suit is pending between the parties. In fact, no suit is pending between the parties. It is also contended that in the partnership deed petitioner's signature had been forged.

2. We have considered the aforesaid submissions. Crux of the allegation in the FIR is that the opposite parties/accused had forged the signature of the petitioner in a partnership deed It is noted the alleged forged document is in control and custody of the investigating agency. Under such circumstances the Bench was of the view though progress of

investigation may require comparison of specimen signature with the forged signature, petitioner's custodial interrogation is not necessary and granted anticipatory bail. We are informed no step has been taken to obtain the signature/hand-writing of the opposite party no. 2/accused. It is open to the investigating agency to take necessary steps in that regard. However, bearing in mind the nature of accusation and the profile of investigation we are of the opinion order granting anticipatory bail is neither perverse nor does it call for any interference.

3. Accordingly application is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)