

01.07. 2025
Item No. 3
KB
Ct. No. 3

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M (A) 344 of 2025

In re: An application under Section 438 of the Code of Criminal Procedure, 1973/Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Pundibari Police Station Case No. 372 of 2023 dated 3rd June, 2023 under Sections 465/467/468/469/471/403/420 of the I.P.C, 1860 corresponding to G.R. No. 1006 of 2023.

And

In Re : **ANOWAR HOSSAIN**
... Petitioner.

Mr. Shibaji Kr. Das (VC),
...for the petitioner.
Mr. Abhijit Sarkar,
Mr. Sourav Ganguly
...for the State.

This is an application for anticipatory bail.

Learned counsel for the petitioner submits that there are long standing disputes between the *de facto* complainant and the petitioner. Consequent thereto, several civil cases are pending before the appropriate Court of Civil Jurisdiction. He further submits that the petitioner being the defendant of those civil suits are contesting them and filing written statement. He further submits that the allegation made in the FIR is false and fictitious. In the suit itself, the *de facto* complainant/plaintiff did not pray for cancellation of the alleged deeds. He further submits that the petitioner is ready to cooperate with the investigation. So, he prayed for bail in any condition.

Learned counsel appearing on behalf of the State raised strong objection and submits that certified copies of the two deeds are seized from the office of the Block Land & Land Reforms Officer concerned and custodial interrogation of the present petitioner is necessary to unearth the truth. So, he prayed for rejection of that application.

Having heard the learned counsel for the parties and considering the nature of alleged offence against the present petitioner, it appears that the *de facto* complainant had alleged commission of offence of forgery by creating two deeds. From the complaint itself, it appears that two deeds are registered by the concerned authority. There is always a presumption of correctness of a registered deed.

Considering the entire aspect, it appears that the custodial interrogation of the present petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, namely Anowar Hossain may fine bail of Rs.10,000/- (Rupees Ten Thousand Only) with two registered sureties, subject to the satisfaction of learned Chief Judicial Magistrate, Cooch Behar with a condition that he must cooperate with the investigating agency in all respects by appearing before the investigating agency once in a week until further order and he shall abide by the conditions laid down under Section 438(2), Cr.P.C.

The application for anticipatory bail being CRM (A) No. 344 of 2025 is, thus, disposed of.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)