

13.01.2026
Sl. No.12
NB

CRM (A) 3905 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 Muchipara PS Case No.172/2023 dated 20.11.2023 under Sections 420/467/468/471/474/120B/34 of the Indian Penal Code.

And

In the matter of: Subhabrata Biswas ... petitioner

Mr. Tapas Kr. Dey,
Mr. Asim Kr. Chakraborty,
Ms. Susmita Mondal.
...for the petitioner.

Ms. Subhashree Patel,
Ms. Debolina Das.
...for the State.

Mr. Avik Ghatak,
Mr. Arkaparna Sen,
Mr. Sayantan Kar.
...for the de facto complainant.

Learned counsel appearing on behalf of the petitioner submits as follows. An agreement was entered into between the petitioner and the de facto complainant for development of the property in the year 2022. A power of attorney duly notarized in the US was also executed in favour of the petitioner. The de facto complainant, in fact, received a cheque of Rs.1Lakh, out of a total consideration of Rs.1Crore, 37Lakhs. Three cheques have been received by the de facto complainant but not encashed.

Learned counsel appearing on behalf of the de facto complainant opposes the prayer for anticipatory bail. He submits that the development agreement relied upon by the petitioner has no signature of the petitioner except on the last page. The original power of attorney was granted in favour of the brother-in-law of the

petitioner and notarized before the same county in the US on the same day. The original is available. The development agreement has also been forged. In fact, after carrying out minor renovations in the property, the petitioner had unlawfully sold the property to other purchasers. Now, the de facto complainant is in the process of challenging such conveyances.

Learned counsel appearing on behalf of the State strongly opposes the prayer for anticipatory bail. She submits that a comparison of the original power of attorney and forged power of attorney would show that the petitioner had forged the power of attorney subsequently to insert his name. It contains no signature of the petitioner on any page except the last one. The petitioner has as many as seven other criminal antecedents of similar nature.

Considering the above and the other incriminating materials available in the case diary, I do not consider this to be a fit case for granting anticipatory bail.

The application for anticipatory bail is, thus, rejected.

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.)