

Criminal Misc. Case No. 361 of 2022
CNR – WBCS01-000927-2022
Present: Shri Siddhartha Kanjilal
JO Code No: – WB01057
Chief Judge, City Sessions Court, Calcutta.

Order No. 04 dated 27.09.2022

Today is fixed for hearing of an application u/s 438 of the Cr.P.C filed by accused/petitioner namely, **Md. Muneer @ Mohammad Munner Quraishi** apprehending his arrest in connection with **Bowbazar P.S** case No. **16** dated **17.01.2022** u/s **467/468/193/417/420/120B** of the IPC.

The record is taken up for hearing.

Ld. P.P and Ld. Advocate for the accused/petitioner are present.

Ld. Advocate for the defacto complainant is present by filing fresh Vakalatnama.

Let it be kept with the record.

I.O is present alongwith C.D.

Ld. Advocate for the accused/petitioner submits that this accused/petitioner is a close relative of the defacto complainant and accused/petitioner no. 1 on good faith stood as identifier in the register deed and he is no way connected with this case nor he has any knowledge about the offence committed by the principal accused nor he supported the principal accused for making false representation.

Ld. Advocate for the accused/petitioner further submits that co-accused has been arrested and granted bail by the Ld. Court of ACMM,-II, Calcutta and this accused/petitioner is not the beneficiary and no wrongful gain caused by this accused/petitioner in any manner and this accused/petitioner has fixed place of home and hearth and he prays for bail of this accused/petitioner on any terms and conditions.

It is also submitted by Ld. Advocate for the accused/petitioner that no bail petition is pending/disposed before/by any upper forum.

Ld. Advocate for the defacto complainant vehemently objected the bail application and submitted that this accused/petitioner identified Shalu Alam as late Mehtab Alam by using his photograph and fake and forged documents and cooperated with the other accused persons for execution a deed of conveyance and this accused/petitioner is the relative of the complainant and was well aware that accused Shalu Alam was not late Mehatab Alam.

Ld. Advocate for the defacto complainant further submitted that this accused/petitioner is very much involved in the commission of alleged offence and has full knowledge about the alleged incident and he prays for rejection of bail.

Ld. P.P vehemently objected the bail application and submitted that this accused/petitioner is the mastermind in this crime and this accused/petitioner along with others entered into a criminal

conspiracy and in connivance to that executed a deed of conveyance in respect of schedule property dated 01.07.2008 by using forged, fabricated and false documents as genuine and cheated the complainant.

Ld. P.P further submits that this accused/petitioner is involved in the commission of alleged offence and custodial interrogation of this accused/petitioner is very much required for unearth the truth and prays for rejection of bail.

Contd.....

Contd...order No. 04 dated 27.09.2022

Heard all sides.

Perused the C.D and the materials on record, wherefrom it reveals that one Mehatab Alam, since deceased, resident of Kanpore has purchased an office from accused Jugal Kishore Chowdhury situated in 2nd floor, P-2, New CIT Road, Kolkata and later accused Shalu Alam in collusion with other accused persons executed a deed of conveyance on 01.07.2008 which was registered before the Additional Registrar of Assurances-II, Kolkata and accused Mukti Nath Tiwari appeared before the Registrar as Mehatab Alam by creating several fake and forged documents and accused Gul Mohammad appeared before the Registrar as Mr. Jugal Kishore Chowdhury, Director of Aradhana Properties Pvt. Ltd, by creating false and fabricated documents and this accused/petitioner being the close relative of Shalu Alam became as an identifier of the Registrar Deed though this accused/petitioner has full knowledge of the fraud committed by other accused persons.

C.D further reveals that role of this accused/petitioner is very much involved in the commission of offence and custodial interrogation of this accused/petitioner is very much required.

Accordingly, the prayer for bail u/s 438 of the Cr.P.C filed by accused/petitioner **Md. Muneer @ Mohammad Munner Quraishi** is hereby rejected.

Before parting with this criminal misc. case, this court finds that the I.O be directed to take proper investigation against the then Additional Registrar of Assurances-II, Kolkata who was posted in the month of July, 2008 to find out the role of the Additional Registrar of Assurances-II, Kolkata in the execution of the deed which was executed in his presence.

The instant criminal misc. case is thus disposed of.

C.D and LCR be returned.

Let a copy of the order be sent to the Ld. Court below.

Let a copy of the order be also sent to the I.O through Ld. P.P for information.

D/C. by me.

Chief Judge
City Sessions Court, Calcutta.

Chief Judge
City Sessions Court, Calcutta.