



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). OF 2023
(Arising from SLP(Cr1.)No(s).3222/2023)

SK. ZAHIR ABBAS KHAN

APPELLANT(S)

VERSUS

STATE OF WEST BENGAL & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the appellant, State and the complainant.

The appellant-accused and the complainant both appear to be practising advocates. The allegations against the appellant is that he had identified certain individual as the owner of certain property wrongfully for the purpose of receiving land acquisition compensation and obtained such compensation. The complainant claims to be the person entitled to receive such compensation. In this case initially, the pre-arrest bail to the appellant was granted by the Sessions Judge, Purba Bardhaman, West Bengal but was subsequently cancelled by the High Court on 06.02.2023 and it is that order which is assailed before us by the appellant.

On behalf of the State, it has been submitted that the appellant at present is participating and cooperating with the investigation. The complainant's stand is that the said false identification was done knowingly as the alleged impostor and the appellant belong to the same Village. That may add to the gravity of the alleged offence but in the given facts, we do not think custodial interrogation of the appellant is necessary. The act of identification took place in the year 2013. We are apprised by the

learned counsel for the State that investigation is nearing completion.

Under these circumstances, we set aside the impugned order and retain the order by which the appellant was granted bail by the Sessions Judge on 25.11.2022 on same terms.

This order, however, shall be subject to the condition that the appellant shall report to the Investigating Officer every Saturday at 11.00 A.M. and any other date and time he is required to do so. In case there is any default on that count by the appellant, it shall be open to the State as also the complainant to apply for cancellation of bail of the appellant before the appropriate Court, without any further reference to this Court.

The present appeal stands allowed in the above terms.

Pending application(s), if any, shall stand disposed of.

.....J.
[ANIRUDDHA BOSE]

.....J.
[AUGUSTINE GEORGE MASIH]

New Delhi;
December 06, 2023.

ITEM NO.8

COURT NO.6

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3222/2023
(Arising out of impugned final judgment and order dated 06-02-2023
in CRM(DB) No. 4274/2022 passed by the High Court At Calcutta)

SK. ZAHIR ABBAS KHAN

PETITIONER(S)

VERSUS

STATE OF WEST BENGAL & ANR.

RESPONDENT(S)

Date : 06-12-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Mr. Pijush K. Roy, Adv.
Ms. Kakali Roy, Adv.
Mr. Pritthish Roy, Adv.
Mr. Asit Roy, Adv.
Ms. Astha Dhawan, Adv.
Mr. Rajan K. Chourasia, AOR

For Respondent(s) Mr. Ashok Kumar Panda, Sr. Adv.
Mr. Chanchal Kumar Ganguli, AOR
Mr. Raja Chatterjee, Adv.
Ms. Anupama Gupta, Adv.
Ms. Riya Dutta, Adv.

Ms. Rajeshri Nivuratirao Reddy, Adv.
Mr. Abhijit Sengupta, AOR
Mr. Anand, Adv.
Mr. Bala Sahakari, Adv.
Mr. Narendra Dev Arya, Adv.
Mr. Rohit Jaiswal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed and the appellant is granted
anticipatory bail in terms of the signed order, which is placed on
the file.

Pending application(s), if any, shall stand disposed of.

(NIRMALA NEGI)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)