

CRM 6320 of 2020
CRAN 1 of 2020
(Via Video Conference)

G.S.Das

Ct.No.16

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Pradhan Nagar Police Station Case No. 193 of 2018 dated 17.4.2018 under Sections 447/120B of the Indian Penal Code read with Section 3 of the Prevention of Damage to Public Property Act and Sections 4D/49A of the West Bengal Land Reforms Act.

And

In the matter of: Probhunath Prasad

....petitioner

Mr. Debapratim Guha

... for the petitioner

Mr. Nilay Chakraborty
Mr. Sagnik Chandra Sikdar

... for the State

The petitioner undertakes to affirm and appropriately stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims to be standing on the same footing as others who have been granted anticipatory bail by this Court. The matter pertains to encroachment on the National Highways and the illegal construction thereon. It appears that a report was previously called for from the District Magistrate, Darjeeling. Such report reveals that the illegal construction has been pulled down and the encroachment removed.

Since the encroachment is no longer there, the petitioner

is entitled to anticipatory bail.

Accordingly, in the event of arrest, the petitioner will be released on bail upon furnishing security of Rs.10,000/-(Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the appropriate Court in Darjeeling.

The petitioner will also comply with the conditions laid down in Section 438(2) of the Code.

CRM 6320 of 2020 and the interim application therein are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)

