

5.10.2020

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CRM 7364 of 2020
With
CRAN 1 of 2020

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pradhan Nagar Police Station Case No. 193 of 2018 dated 17.04.2018 under Sections 447/120B of the IPC 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 Re: Ashok Kumar Chowdhuri @ Ashok Kumar
Choudhury

... ... Petitioner.

Mr. Pronojit Roy
..... for the petitioner
Mr. Arun Kumar Sarkar,
Mr. A. Sarkar
... for the State

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within one month of resumption of normal functioning of the Court. The petition is taken up through video-conference on the basis of such undertaking.

Mr. Roy, learned Advocate appearing for the petitioner submits that on the alleged encroachment of the National High Way, the case was initiated against the petitioner and other accused persons. It is contended that other three accused persons are enlarged on anticipatory bail. It is further contended that the illegal encroachment was already removed. Therefore, there is no cause of action at present to establish the charges against the present petitioner.

Mr. Sarkar, learned Advocate appearing for the State opposes the prayer for anticipatory bail. He submits that the

petitioner along with other accused are Land Mafia. They usually grab the high way land and construct unauthorised construction over there. Therefore, if the petitioner is granted anticipatory bail, then all the Land Mafia will encroach the National High Way and floodgate will open.

Considering the submission as advanced by the learned Advocate appearing for the parties and after perusing the records, we find that unauthorised construction thereby encroaching the National High Way was removed, therefore, in our considered view, custodial interrogation of the petitioner is unwarranted.

Accordingly, the prayer for anticipatory bail is allowed.

In the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the investigating officer once in a week until further orders.

Thus, CRM 7364 of 2020 and CRAN 1 of 2020 are disposed of.

(Aniruddha Roy, J.)

(Samapti Chatterjee, J.)