

17.
13-09-2021
(ct. no.32)
KOLE
Allowed

CRM 5289 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chandannagar Police Station** Case No. **110 of 2021** dated **28.05.2021** under Sections **4(D)** of the West Bengal Land Reforms Act and Sections 17/A (11 & 12) of the West Bengal Inland Fisheries Act, 1984.

- A n d -

In the matter of : Rabin Dutta @ Robin Dutta & Anr.

.... Petitioners.

Mr. Milan Mukherjee, Sr. Adv.

Mr. D. Dutta,

... For the Petitioners.

Mr. S. Ghosh,

Mr. B. Banerjee,

... For the State.

The allegation against the petitioners is of illegally filling up ponds. Various Sections of the West Bengal Land Reforms Act and the West Bengal Inland Fisheries Act, 1984 have been pressed into service.

The petitioners say that they responded to the notice under Section 41A of the Code of Criminal Procedure but there was nobody to interrogate them. They are prepared to fully cooperate with the Investigating Officer.

The State says that the petitioners did not respond to the notice under Section 41A of the Code of Criminal Procedure.

We have considered the facts and circumstances of the case and the material on record. Considering the nature and gravity of the alleged offence and the possible extent of

complicity of the petitioners therein and also in view of the fact that charge sheet has been submitted, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as the petitioners cooperate with further investigation, if any.

Accordingly, in the event of arrest, the petitioners, namely, **Rabin Dutta @ Robin Dutta** and **Mohan Hanra**, shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 5289 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**