

21.06.2022
Serial no. 36
Aloke

CRM (A) 2929 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Datan Police Station Case No. 189 of 2022 dated 20.05.2022 under Sections 379/188/427/120B/34 of the Indian Penal Code read with Section 3 of the P.D.P.P. Act.

-And-

In the matter of : **Sk Malek**

... .. Petitioner

Mr. Malay Bhattacharyya, Advocate
Mr. Pradip Paul, Advocate
Mr. Subhrajyoti Ghosh, Advocate

... .. For the Petitioner

Mr. N. Ahmed, Id. APP
Mr. Iqbal Kabir, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner participated in a tender process. The petitioner was the successful tenderer. The petitioner deposited the earnest money in terms of the tender. It is now being alleged that the trees felled by the petitioner was in respect of a different plot than the one put up for tender. In any event, the police seized the entire timber. The petitioner did not benefit out of the transaction.

Learned Additional Public Prosecutor submits that the petitioner was allotted a plot of land for the purpose of felling trees. The petitioner indulged in felling trees in a different plot.

Learned Advocate for the petitioner submits that the plot of land on which, the petitioner felled the trees was identified by the Pradhan of the Panchayat.

The petitioner participated in a tender process for felling trees of a specific plot. The tender process contains the plot

number. There is a mouza map available in the public domain. The plot of land comprised in the tender is therefore easily identifiable. It is incomprehensible that a person participating in the tender process will misidentify a plot of land in the tender process, given the materials with regard to the tender process and the map being available in the public domain.

In such circumstances, we find that the necessity of custodial interrogation of the petitioner cannot be ruled out.

Consequently, we are unable to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is thus, rejected.

CRM (A) 2929 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)