

05.07.2022

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Ct. No. 29

**KAUSHIK
REJECTED**

C.R.M.(A) 3142 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Karaya** Police Station Case No. **316** of **2022** dated **14.04.2022** under Section 401(A) of the Kolkata Municipal Corporation Act, 1980.

And

In Re : Rafique Ahmed & Ors.

..... petitioners

Mr. Smartajit Sarkar

Mr. Sourav Mondal

....for the petitioners

Ms. Sreyashee Biswas

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners draws the attention of the Court to the First Information Report. He submits that, the petitioner complied with the notice issued under Section 41A of the Code of Criminal Procedure (Cr.P.C.).

Learned advocate appearing for the State submits that, the petitioners are guilty of constructing six floors unauthorisedly.

There are proceedings under Section 401(A) of the Kolkata Municipal Corporation Act, 1980. There are unauthorised construction at the locale. The petitioners are the owners of the unauthorised construction. Unauthorized

construction is a menace in the city of Kolkata. In such circumstances, there is a need for custodial interrogation of the petitioners. Consequently, we are unable to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail of the petitioners is rejected and the application being CRM (A) 3142 of 2022 is dismissed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)