

28.02.2023
Serial no. 23
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 846 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Serampore** Police Station Case No. **53** of **2023** dated **08.02.2023** under Sections **420/467/468/409/120B/34** of the Indian Penal Code (corresponding to G.R. case no. 304/2023)

-And-

In the matter of : **Akbar Ali**

... .. Petitioner

Mr. Suman Chakraborty, Advocate
... .. *For the Petitioner*

Mr. Debabrata Chatterjee, Id. APP
Mr. Santanu Chatterjee, Advocates
... ..*For the State*

Mr. Mr. Niladri Sekhar Ghosh, Advocate
.. ..*For the de facto complainant*

Learned advocate appearing for the State relies upon a report which be taken on record.

The report states that the land records depict that the plots in question belonged to local entities or individuals.

Learned advocate for the de facto complainant submits that the petitioner was instrumental in plotting and selling land belonging to the Government. He relies on Records of Rights to contain that the land in question belongs to the Government.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated in view of the change of political ideology.

The issue is whether, the land belongs to the Government or not which needs to be decided in an appropriate proceeding.

Apparently, there is a conflict of views with regard to the land in question.

Consequently, the benefit of doubt should go to the petitioner.

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

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 846 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

