

09.06.2023

Sl. 12

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2175 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bowbazar** Police Station Case No. **24** of **2023** dated **11.02.2023** under Sections **401(A)** of the Kolkata Municipal Corporation Act.

And

In the matter of: **Pawan Kumar Shaw & Anr.**

....petitioners.

Mr. Sabir Ahmed
Ms. Suman Biswas

...for the petitioners.

Mr. Sudip Ghosh
Mr. Koushik Kundu

...for the State.

1. Heard learned Counsel for the parties.
2. The petitioners are stated to be the owners of the building which is alleged to have raised vertically beyond the permissible limit after obtaining completion certificate.
3. However, it is fairly submitted at the Bar that the petitioners have complied with the notice issued under Section 41A Cr.P.C. and investigation has progressed substantially.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of offence, substantial progress in the investigation, it is directed that each of the petitioners is directed to appear before the Municipal Magistrate Court, Kolkata in connection with Bowbazar P.S. Case No. 24 of 2023 dated 11.02.2023 within three weeks from today. On their appearance and application for bail, each of the petitioners shall be released on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that i)

each of the petitioners is directed to appear before the Municipal Magistrate on each date of substantive hearing subject to provision of Section 205 Cr.P.C. ii) each of the petitioners is directed to appear before the competent authority of Municipal Corporation on notice being served on them for regularization/demolition of the illegal construction.

5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2175 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

