

29.07.2024
SL No.47
Court No.29
(gc)
(Allowed)

CRM (A) 2521 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of BNSS, 2023 filed in connection with Mothabari Police Station Case No.373 of 2024, dated 04.07.2024 under Section 4D of the W.B.L.R. Act, 1955.

And

In the matter of : **Asimuddin Sekh @ Ashimuddin Sekh**

- Petitioners.

Mr. Kallol Mondal,
Mr. Krishan Ray,
Mr. Souvik Das,
Mr. A. Banerjee

....For the Petitioners.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Samarjit Balial

... For the State.

1. The learned Counsel for the petitioners submits that the petitioners after verification of the land record, which shows the land as Danga, purchased the property. However, subsequently it has been alleged by the de facto complainant that it was a water body.
2. The learned Counsel for the State has produced the case diary to show that the land over which they have made construction was a water body and it has been illegally filled up and thereafter it was shown as Danga.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and having regard to the fact that at the time of purchase of the land, prima facie, it shows that it was Danga,

we are of the view that the custodial interrogation of the petitioners is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Asimuddin Sekh @ Ashimuddin Sekh, Md. Mosaraf Hossain @ Mosaraf Hossain, Md. Sadharu Sekh, Md. Rintu Sekh @ Md Rintu Sk, Madhab Mandal @ Madhav Mandal** and **Md. Mofijul Sekh @ Md. Mofijul Sk** , 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. It is further directed that the petitioners shall meet the I.O. once in a week till the submission of the final report and cooperate with the investigation.
5. It is further directed that the petitioners shall appear before the learned Chief Judicial Magistrate, Malda in connection with G.R. Case No.4660 of 2024 within two weeks from date.
6. It is further directed that the petitioners shall appear each and every date of hearing 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.
7. Accordingly, the application for anticipatory bail is disposed of.

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

(Soumen Sen, J.)

(Uday Kumar, J.)