

27.08.2024
Sl No.27
Court No.29
TN
(Allowed)

CRM (A) 2787 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with New Market Police Station Case No.49 of 2024 dated 01.04.2024 under Sections 467/468/471/420/120B of the Indian Penal Code, 1860 respectively now under Sections 338/336(3)/340(2)/318(4)/61(2) of the BNS, 2023.

And

In the matter of : **Swapan Kumar Pan and another**

.... petitioners

Mr. Sardar Amjad Ali,
Mr. Samir Kumar Ghosh

....for the petitioners

Mr. Iqbal Hussain

....for the *de facto* complainant

Mr. Saryati Dutta,
Ms. Mamata Jana

... for the State

1. The report filed by the Sub Inspector, New Market Police Station dated 27th August, 2024 is taken on record.
2. The present petitioners met the Investigating Officer (IO).
3. The IO, however, in his report stated that both the petitioners appeared for examinations but they could not provide certain documents.
4. Earlier we had heard the learned counsel for the parties extensively. The dispute essentially involves mutation in the land records.
5. The learned counsel for the State has submitted that the BL&LRO during whose period the mutation was done has not yet been interrogated.

6. We do not comment with the investigation. However, we feel all necessary parties should have been examined by the IO in this regard.
7. Considering the fact that a proceeding under Section 50 of the WBLR Act is pending before the BL&LRO and case no. OA 1028 of 2012 filed by Rahima Bibi and others against the State of West Bengal and others which include some of the petitioners, has been disposed of with certain directions, we are of the view that custodial interrogation of the petitioners is not necessary.
8. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Swapan Kumar Pan** and **Dipanjan Pan** respectively 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.
9. The petitioners shall meet the Investigating Officer once in a week till submission of the final report.
10. It is further directed that the present accused petitioners shall appear before the learned Chief Judicial Magistrate, Calcutta in connection with G.R.(s) 336 of 2024 within two weeks from date and pray for regular bail.
11. Accordingly, the application for anticipatory bail is disposed of.

12. 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.)