

20.08.2024

Court No.29

Item No. 15

Allowed

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CRM (A) 2813 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Liluah Police Station Case No. 412 of 2022 dated 22.08.2022 corresponding to G.R Case No. 4785 of 2022 under Sections 4C and 4D of the West Bengal Land Reforms Act, 1955.

And

In Re: **Tanmay Sarkar & Ors.**

Petitioners

Mr. Amitabha Ghosh
Ms. Debilina Sarkar
Mr. Rajnil Mukherjee
Mr. Souparno Pyne
Ms. Satabdi Dey
Mr. Subham Das

For the Petitioners

Mr. Ranadeb Sengupta
Mr. Sudipa Biswas

For the State

1. Heard the learned counsel appearing for the parties.
2. Considering the materials available in case diary, the nature and extent of complicity of the petitioners in the commission of the alleged offence and the report of the B.L& L.R.O of the concerned area which shows that the suit plot is Doba and there has been no filling up of the water body with rubbish, we are of the view that custodial interrogation of the petitioners is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Tanmay Sarkar, Chinmay Sarkar and Sampa Naha** 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, subject to the satisfaction

of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The **petitioner nos. 1 and 2** shall meet the Investigating Officer as and when called for till the submission of the final report and the **petitioner no. 3** shall cooperate with the investigation till the submission of the final report and on further condition that the petitioners shall appear before the learned Chief Judicial Magistrate, Howrah, within two weeks from date in connection with G.R Case No. 4785 of 2022. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

4. Accordingly, the prayer for anticipatory bail of the petitioners is allowed and the same is accordingly disposed of.
5. The Municipality is directed to restore the water body by removing the garbage etc. in the mean time.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar, J)