

30.08.2024

Court No.29

Item No.34

Allowed

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CRM (A) 2983 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 Mothabari Police Station Case No. 373 of 2024 dated 04.07.2024 corresponding to G.R Case No. 4660 of 2024 under Sections 4D of the West Bengal Land Reforms Act, 1955.

In Re: **Dulal Chowdhury**

Petitioner

Md. Wasim Akram

For the Petitioner

Mr. Joydeep Roy

Mr. Sujoy Sarkar

For the State

1. Learned counsel for the petitioner submits that the petitioner has purchased a property which was classified as 'Danga' and he was not aware that the said land was previously recorded as water body.
2. Learned counsel for the State has produced the case diary to show that the land was classified as 'Pukur' and subsequently this area was illegally filled up by number of persons including the present petitioner and they have constructed on the water body.
3. On an earlier occasion we have considered the similar matter and granted anticipatory bail to the petitioner. In view of such consideration, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Dulal Chowdhury** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a week till the submission of the final report and on further condition that the petitioner shall appear before the **learned Chief Judicial Magistrate, Malda**, within two weeks from date in connection with **G.R Case No. 4660 of 2024**. 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.

5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
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)