

30.09.2024
SL No.7
Court No.29
(gc)
(Allowed)

CRM (A) 3037 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Bally Police Station Case No.100 of 2024 dated 07.08.2024 under Sections 126(2)/115(2)/117(2)/110/35(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : **Prateek Choubey @ Prateek Kumar Choubey**

- Petitioner.

Mr. Apalak Basu,
Mr. Akash Ganguly,
....For the Petitioner.

Mr. Debashish Roy, Ld. P.P.,
Ms. Amita Gaur,
Ms. Nahid Ahmed
... For the State.

Mr. Pawan Kumar Gupta,
Mr. Sharadindu Patra,
Ms. Sofia Nesar,
Mr. Santanu Sett
....For the De facto Complainant.

Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Ms. Riya Ghosh
....For the Administrator, Bally Municipality.

1. The report filed by the Administrator, Bally Municipality is taken on record.
2. It prima facie discloses unauthorized construction till G+2 and the petitioner was directed to appear on 22nd October, 2024 at 3.30 p.m. at the chamber of the Administrator of the Bally Municipality in connection with such unauthorized construction.
3. It appears that the dispute arose between the complainant and the present petitioner over the complaint lodged by the

complainant regarding unauthorized construction which is *prima facie* established by the report filed by the Administrator. It is likely that the petitioner was unhappy with the complaint as it *prima facie* reveals that there has been deviation from the building plan for which a show-cause notice has been issued. However, considering the nature of dispute and the injury report, 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, **Prateek Choubey @ Prateek Kumar Choubey**, shall be released on bail upon furnishing a bond of Rs.20,000/-, 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 482(2) of the BNSS, 2023 and on further condition that the petitioner shall meet the I.O. once in a fortnight till the submission of the final report.
5. It is further directed that the petitioner shall not enter the jurisdiction of the Bally Municipality except for the purpose of meeting the I.O., attending the court proceedings and attending hearing in connection with the unauthorized construction till the proceeding for unauthorized construction is concluded or the final report is filed, whichever is earlier.
6. It is also directed that the petitioner shall appear before the learned Chief Judicial Magistrate at Howrah in connection with G.R. Case No.4004 of 2024 within 10 days from date.
7. Insofar as the direction of CCTVs is concerned, the Additional Secretary, Department of Urban Development and Municipal

Affairs, Government of West Bengal has filed a report. We have considered the report and we are of the firm opinion that the Municipal Authorities throughout the State of West Bengal shall install CCTVs in and around their premises for which an estimate should be prepared by all the Municipalities and the State must ensure availability of fund to carry out such installation. In case of request of fund the State must ensure immediate release of fund so as to enable the Municipalities to install CCTVs without any delay.

8. The learned Registrar General is directed to communicate the order to the Principal Secretary, Department of Urban Development and Municipal Affairs, Government of West Bengal and the Principal Secretary, Finance, Government of West Bengal for information and doing the needful.
9. In addition to the aforesaid, the learned P.P. shall also communicate this order to the aforesaid authorities for information and doing the needful.
10. Accordingly, the application for anticipatory bail is disposed of.
11. 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.)