

07.10.2024
SL No.41
Court No.29
(SSS)

CRM (A) 3607 of 2024

In Re:- An application for anticipatory bail under section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023; under Section 483 of the Code of Criminal Procedure, 1973 filed in connection with Survey Park Police Station Case No.136 of 2024 dated 16.08.2024 under Sections 420/467/468/471/506/120B of the Indian Penal Code.

And

In the matter of Prosenjit Chowdhury.

- Petitioner.

Mr. Sandipan Ganguly,
Mr. Arnab Chatterjee,
Mr. Avik Ghatal,
Mr. Soumen Chatterjee,
Mr. Soukteya Ganguly,
Ms. Shayani Das, Advs.
.....For the petitioner.

Mr. Debasish Roy, Ld. P.P,
Mr. Souvik Ganguli,
Mr. Ronit Mukherjee, Advs.
....For the State.

1. Mr. Sandipan Ganguly, learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner is a bonafide purchaser for value without notice from one Sanjay Majumdar and Samapti Ghosh, who represent themselves to be the original owners of the plot of land in question. After purchasing the said property, the name of the present petitioner was mutated and all revenues have been paid to the Collector. Thereafter, the petitioner sold this property to the de facto

complainant. It is submitted that while the de facto complainant was raising construction an objection was raised by the West Bengal Housing Board, inter alia, claiming that the land belonged to the said Board. It is submitted that the petitioners are innocent and bonafide purchasers and upon verification of the document, the concerned land revenue authorities have allowed mutation and accepted the land revenues. Even at the time of registration of the said land, no dispute was raised.

2. It is further submitted that the loan was sanctioned in favour of the de facto complainant only after due verification of the record by the Punjab National Bank. Mr. Debasish Roy, learned Public Prosecutor appearing on behalf of the State has submitted that the West Bengal Housing Board has also lodged a complaint claiming ownership of the said plot and it appears from the report of the office of the Block Land and Land Reforms Officer that the subject plot has been claimed as Plot No. 1028 by the West Bengal Housing Board.
3. Considering the materials available in the case diary and having regard to the extent and nature of the dispute and involvement of the petitioner in the commission of alleged offence, prima facie it does not appear that the petitioner with any dishonest intention tried to defraud the de facto complainant and a substantial progress has been made in the investigation.
4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sri Prosenjit Chowdhury** shall be released on bail

upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, 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. The petitioners shall deposit the mobile with the Investigating Officer for forensic examination within 24 hours without tampering with the said mobile. It is further directed that the petitioners shall appear before the learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas in connection with ACGR No. 4621 of 2024 and pray for regular bail within two weeks from date and shall meet the I.O once in a fortnight. The petitioner shall cooperate in the investigation as and when called for and produce all the relevant documents and furnish all information as has been required for the purpose of investigation and shall not leave the jurisdiction of Police Station Bidhannagar, North without the leave of the Investigating Officer.

5. Accordingly, the application for anticipatory bail is disposed of.
6. 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.)