

102 21.09.2019
ss Allowed

C.R.M. 10848 of 2019

In the matter of : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 20.11.2019 in connection with Maynaguri P.S. Case No. 336 of 2019 dated 25.09.2019 under sections 399/402 of the Indian Penal Code read with sections 25(i)(a)/27 of the Arms Act.

And

In the matter of : Niranjan @ Niren Adhikary & Anr.

Mr. Ranadeb Sengupta,
Mr. P. Roy

... .. for the petitioners

Ms. Sayanti Santra

... .. for the State

It is submitted on behalf of the petitioners that there is no legally admissible evidence connecting the petitioners with the alleged crime.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioners in the alleged crime and as complicity of the petitioners transpire from the statements of accused persons made before a police officer which are inadmissible in law, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten

thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)