

C.R.M. 2740 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nowda P.S. Case No. 416 of 2019 dated 05.12.2018 under sections 417/419/363/120B of the Indian Penal Code and sections 25/27 of the Arms Act.

And

In the matter of: Sabu @ Rejaul Malitya @ Rejaul Alam
Malithya @ Malitya Rejaul Alam

Mr. Md. Golam Nure Imrohi

... .. for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... .. for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case due to personal rivalry. He is not one of the principal accused. All accuseds are on regular bail and investigation is complete.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that co-accused posed as officers attached to central agency and had kidnapped a businessman. Petitioner is the conspirator.

We have considered the statements of witnesses recorded under section 161/164 Cr.P.C. Petitioner was not present at the spot and this alleged to be a conspirator. Principal accuseds are on regular bail and investigation is complete. Although the allegations are disturbing, we are of the opinion in light of the stage of the proceeding, custodial interrogation

is not necessary and petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand Only), 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 and on condition that the petitioner shall appear before the Court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)