

28.09.2020
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CRM No. 6969 of 2020

IA No. CRAN/1/2020

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Banshihari Police Station Case No. 68/20 dated 16.06.2020 under Sections 399/402 of the Indian Penal Code read with Section 25(1)(a)/27 of the Arms Act.

And

In the matter of : Manish Rajbor @ Monish Rajbhar

... Petitioner

Mr. Sarthak Burman

.. for the Petitioner

Mr. Sandip Ghosh,
Mr. Apurba Kumar Datta

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one moth of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, IA No. CRAN/1/2020 is disposed of.

The learned Advocate appearing on behalf of the petitioner submits that three other co-accused were travelling in the same car and some arms recovered from the said car. Only in the statement of the co-accused, the petitioner's name was incorporated by the

police which is inadmissible in evidence. Furthermore the petitioner was a minor at the date of occurrence.

Learned Counsel for the State opposes the prayer for anticipatory bail. However, he candidly submits that except the statement of co-accused there is no other material available against the petitioner.

In view of the role ascribed to the present petitioner and the fact that the only material available against the petitioner is the statement of a co-accused, we find that there is no need for custodial interrogation of the present petitioner.

We allow the application for anticipatory bail to the petitioner. In the event of arrest the petitioner shall be released on bail upon furnishing a bond Rs.10,000/- together with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer subject to the condition as laid down under Section 438(2) of the Cr.P.C.

The application for anticipatory bail being C.R.M. 6969 of 2020 is allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Jay Sengupta, J.)

(Soumen Sen, J.)