

29.09.2020
Item no. 26
Ct.12
FB/G. S. Das

C.R.M. No.7287 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mal Police Station Case No. 282 of 2020 dated 26.7.2020 for alleged offence punishable under Sections 448/341/354/325/436/307/34 of the Indian Penal Code, 1860 corresponding G.R. Case No. 3075 of 2020..

And

In the matter of:-

Manik Ray

... Petitioner

Ms. Arpita Saha

Mr. H. S. Poddar

.. for the petitioners

Mr. Ujjwal Luksom

..for the State

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

Learned Advocate for the petitioner submits that there is civil dispute between the petitioner and the family of the complainant. The nature of allegation so made against the petitioner are improbable and they have been falsely implicated pursuant to the direction of the Civil Court.

Learned Advocate for the State opposes the prayer for anticipatory bail and submits that there are statements and seizures which implicates the present petitioner.

We have considered the memorandum of evidence as also the nature of allegations made in the First Information Report and on consideration of the same we are of the opinion that the petitioner may be granted the privileges of anticipatory bail, subject to stringent condition.

The prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with one surety, to the satisfaction of arresting officer and on condition that petitioner shall not tamper with the evidence or intimidate the witnesses. Further, the petitioner shall make himself available as and when required by the investigating officer of that case.

The petitioner shall also stay outside the jurisdiction of Mal P.S., Dist.-Jalpaiguri and report to the office of the ACJM, Jalpaiguri once in a week until further orders.

The aforesaid order of anticipatory bail shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

With these observations, CRM 7287 of 2020 is disposed of.

Learned appropriate Trial Court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)