

19.10.2020
Item No.24
Ct.No.11
dc.
Allowed

C.R.M. 7689 of 2020
(Through Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Beldanga P.S. Case No. 186 of 2018 dated 14.05.2018 under Sections 147/148/149/302 of the Indian Penal Code and under Section 25/27 of the Arms Act.

And

In the matter of : Mohidul Sk ... Petitioner.

Mr. Arnab Chatterjee ... For the Petitioner.

Mr. Saibal Bapuli,
Ms. Sayanti Santra ... For the State.

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

It is submitted by the learned advocate appearing for the petitioner that the FIR named persons have been granted clean-chit by the State and the petitioner being innocent one has been victimised. Learned advocate for the petitioner further submits that the petitioner is in no way connected with the present case and as such he should be granted anticipatory bail.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and produces the case diary and draws the attention of this Court to the statement under

Section 161 of the Code of Criminal Procedure of the eye-witnesses.

After perusing the materials in the case diary, we find that the petitioner's name is appearing in 161 statement. We have considered the post-mortem report which reflects that the death occurred due to gunshot injuries and ante mortem in nature. Considering the same, we are of the opinion that custodial interrogation of the petitioner is not necessary. Hence, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and on condition that he shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 7689 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Aniruddha Roy, J.)

(Samapti Chatterjee, J.)