

20.10.2020.
Item No. 37
(Allowed)

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C.R.M. 7993 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Kotwali Police Station Case No. 486 of 2018 dated 13.07.2018 (G. R. Case No. 2647 of 2018) under Sections 411/413/120B of the Indian Penal Code read with Sections 25(a)(i)/27 of the Arms Act;

And

In the matter of : **Rabiul Mohammad @ Bhangru @
Sahibul Haque.**

... petitioner.

Mr. Aniruddha Biswas.

...For the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,

...For the State.

The learned Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency, the application is taken up for hearing through Video Conference.

The learned Advocate for the petitioner submits that he has been falsely implicated in connection with the instant case merely on the statement of the other co-accused, who were allegedly travelling in a vehicle with improvised fire arms. It is further submitted that the principal accused from whom the recovery was made had already enlarged on bail whereas the petitioner is apprehending arrest.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the other co-accused including the principal accused have been granted bail. It is further submitted that the petitioner was not

travelling in the offending vehicle and his name appeared during the investigation of the accused.

In view of the fact that the name of the petitioner transpired in course of investigation and the other accused including the principal accused have been enlarged on bail, there is no justification in custodial interrogation of the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount 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 with further conditions that the petitioner shall appear before the investigating officer once in a week and shall not leave the jurisdiction of the concerned police station without prior permission of the Court below.

This application for anticipatory bail is, thus, **allowed**.

(Ravi Krishan Kapur, J.)

(Harish Tandon, J.)