

21.10.2020
Sl. No.126
akd
[ALLOWED]

C. R. M. 8359 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 09.10.2020 in connection with Joynagar Police Station Case No. 641 of 2019 dated 26.11.2019 under Sections 461/380 of the Indian Penal Code. (G.R. Case No.8026 of 2019)

And

In Re: **Momin Ali Sheikh**

... .. Petitioner

Ms. Minoti Gomes .. Advocate

Ms. Manika Sarkar .. Advocate

... .. for the petitioner

Mrs. Sonali Das .. Advocate

... .. for the State

It is contended on behalf of the petitioner that this is a subsequent application for pre-arrest bail as the earlier application had been disposed of as not pressed and not on merits. Hence, we are inclined to entertain this application on merits.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner had broken into a temple and had stolen idol made of precious metals.

Having considered the materials on record and bearing in mind the nature of allegations and as parts of the stolen idols have already been recovered, we are of the opinion that custodial interrogation of the accused/petitioner for progress of investigation is not necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Momin Ali Sheikh**, 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Abhijit Gangopadhyay, J.)

(Joymalya Bagchi, J.)