

16.12.2020.

122.

as

(Allowed).

C.R.M. 8598 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Lolgola P. S. Case No.309 of 2020 dated 26.08.2020 under Sections 379/411/406/34 of the Indian Penal Code and Section 7(1)(a)(ii) of Essential Commodities Act and under Section 51 of the Disaster Management Act, 2005.

In the matter of : Md. Ainul Hoque.

... Petitioner.

Mr. Somesh Kr. Ghosh.

...for the Petitioner.

Mr. Aniket Mitra.

.....for the State.

Heard the learned Advocates appearing for the parties.

Petitioner has replied to the show cause notice issued upon him. He explained that there is no shortfall in the stock.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegation of misappropriation may be assessed in the light of the reply to the show cause notice and other attending circumstances.

Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary but the petitioner requires to co-operate with the investigation.

Accordingly, we direct that in the event of arrest the petitioner, viz., Md. Ainul Hoque shall be released on bail upon

furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once in a week until further orders.

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

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)