

05.11.2020

Item No. 29

k.b./b.r.

allowed

Crt.08

VB

C.R.M. 8782 of 2020
(via video conferencing)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jalangi P.S. Case No. 290 of 2020 dated 07.07.2020 under Sections 186/188/34 of the Indian Penal Code, 1860 and Sections 21/22/23 of the NDPS Act, 1985.

And

In Re : Sohil Mulla @ Sohel Rana Molla petitioner.

Mr. Jisan Iqubal Hossain

.....for the petitioner.

Mr. Rana Mukherjee

Mr. Kaushik Majumdar

....for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Learned advocate for the petitioner submits that the petitioner has been implicated on the basis of the statement of the co-accused and there has been no recovery from the house or any property of the petitioner so far as the allegation relating to the contraband is concerned. Learned advocate for the petitioner further submits that similarly placed accused was granted anticipatory bail in CRM 5638 of 2020 by an order dated 18.09.2020.

Mr. Mukherjee, learned advocate for the State submits that it was on the statement of the BSF personnel, the names of the accused person transpired and they have seen them in their thermal camera. According to him that the complicity of the present accused is similar to that of the accused, namely, Alam Mondal @ Alam Ali Mondal.

We have perused the materials on record and we find that although a case was initiated on July 2020 and till date the police authorities have not taken any effective measure for raiding or recovering any substance either in the residence or the hide out/whereabouts of the present petitioner.

On consideration of the entire materials on record, we are of the opinion that the petitioner is similarly placed as Alam Mondal @ Alam Ali Mondal and as such is entitled to get the benefit of anticipatory bail. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, 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 and on further condition that this order of anticipatory bail will be valid for a period of three weeks.

The petitioner is also directed to meet the Investigating Officer of the case once in a week on and from 25.11.2020 until further orders.

The application for anticipatory bail stands thus allowed.

The application CRM 8782 of 2020, stands disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Ashis Kumar Chakraborty, J.)