

14.01.2021
Court No.28
rpan / 191

C.R.M. 145 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In Re : Khudabox Seikh @ Khudabox Sk

...Petitioner.

Mr. Somnath Adhikary

....for the petitioner.

Mr. Shiladitya Banerjee

....for the State.

Apprehending arrest in connection with Rejinagar P. S. Case No. 343 of 2020 dated 03.12.2020 under Sections 379/411 of the Indian Penal Code, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the criminal proceedings and there is no incriminating material on record against the petitioner and as such, custodial detention is not warranted.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and has drawn our attention to several documents in the case diary and the report of the Investigating Officer. Let the said report, as produced, be kept on record.

Having heard the learned advocates and considering the materials in the case diary, it appears that there is a doubt as to whether the commodities, which have been seized, are of Public Distribution System. In view thereof, we are of the

opinion that custodial detention of the petitioner is not necessary.

Accordingly, we allow the application and 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 each, one of whom must be local, 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 with the Investigating Officer once a week on and from 25.01 2021, until further orders.

The application for anticipatory bail, being CRM 145 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)