

05.03.2021
Court No.28
Item No. 24
Krishnendu
Allowed

**CRM 552 of 2021
(Via video Conference)**

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

And

In Re : Prem Khan @ Prem @ Abdul Quadir

Petitioner

Mr. Sabyasachi Chatterjee
Mr. Sushovon Dey

For the Petitioner

Mr. Binay Panda
Mr. S. Bhakat

For the State

Apprehending arrest in connection with Shibpur P.S. Case No. 435 of 2018 dated 21.08.2018 under sections 341/307/506/34 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that there was a political dispute between the parties and the petitioner has been falsely implicated in this case. All the allegations against the petitioner are in the abstract and the materials would not disclose the petitioner's involvement in the alleged offence. Upon completion of investigation, charge sheet has also been filed and as such custodial interrogation of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and he submits that there has been no recovery of arms and ammunitions in this case and there is no injury report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the fact that there is no injury report and there has been no recovery and since investigation has already been completed, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Prem Khan @ Prem @ Abdul Quadir**, 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 a further condition that the petitioner shall not enter within the jurisdiction of Shibpur Police Station until further orders, save and except for attending the learned Trial Court on the dates specified. The petitioner shall also inform his address where he would be residing to the Officer-in-Charge of Shibpur Police Station.

The application for anticipatory bail, being CRM No. 552 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

