

07.04.2021.

65.

as

(Allowed).

C.R.M. 669 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chakdah P.S. Case No.135 of 2018 dated 28.04.2018 under Sections 447/427/307/286/34 of the Indian Penal Code.

In the matter of : Dipak Mondal @ Dipta Mondal.

... Petitioner.

Mr. Shibaji Kr. Das.

...for the Petitioner.

Mr. Sudip Ghosh,

Mr. Apurba Kr. Datta.

.....for the State.

Apprehending arrest in connection with Chakdah P.S. Case No.135 of 2018 dated 28.04.2018 under Sections 447/427/307/286/34 of the Indian Penal Code, petitioner has filed the instant application for anticipatory bail.

The learned Advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the instant case and the same has been done to cover up the previous misdeed of the de-facto complainant. Additionally, learned Advocate submits that on any stringent condition, the petitioner may be granted the relief as prayed for.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and draws attention of this Court to the statement of the witnesses as well as the seizure list.

We have perused the materials on record and we find that the persons who were named in the first information report were arrested and subsequently released on bail. The role of the present petitioner transpired in the statement of the witnesses in parity with the F.I.R. named accused.

Having regard to the fact that the investigation of the case has already been concluded, we are of the opinion that custodial detention of the petitioner is unwarranted. As such, 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/-, with two sureties of like amount each, one of whom must be local subject to the satisfaction of the arresting officer. Apart from the aforesaid conditions, the further conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973 shall also apply.

This application for anticipatory bail is, thus, allowed.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)