

09.04.2021
SL No.258
Court No.28
(gc)
(Allowed)

CRM 718 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Naihati Police Station Case No.412/2020 dated 09.09.2020 under Sections 448/306/34 of the Indian Penal Code.

And

In the matter of : **Md. Alamgir Mondal @ Alamgir Mondal**
@ Alam

- Petitioner

Mr. Sumanta Chakraborty,
... For the Petitioner.
Mr. P.K. Datta, Ld. A.P.P.,
Mr. Santanu Deb Roy,
... For the State.

Learned Counsel for the petitioner submits that the petitioner is innocent of the charges and has been falsely implicated in the instant case.

Learned Counsel for the State, however, opposes the prayer for anticipatory bail and produces the case diary and draws the attention of this Court to the statement of witnesses as well as the postmortem report.

We have perused the materials available in the case diary and we find that there are some statements which, prima facie, may reveal charges of abetment but on a cumulative assessment of the case, we are of the opinion that custodial detention of the petitioner may not be warranted for the said purpose. 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/-, 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. The petitioner shall not enter the jurisdiction of the Naihati Police Station except for meeting the Investigating Officer and/or attending the Court. It is also directed that the petitioner shall meet the Investigating Officer of the case once in a week until further order.

Violation of any of the conditions would result in cancellation of the bail by the learned Magistrate without further reference to this Court.

With the aforesaid observation, the application for anticipatory bail, being CRM No.718 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.)

(Soumen Sen, J.)