

12.04.2021
Court No.28
Item No. 294
Krishnendu
Disposed of

C.R.M. 792 of 2021

(Via video Conference)

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

And

In re: **Tapas Pal**

.....Petitioner

Mr. Chittapriya Ghosh

Ms. Priyanka Saha

.....For the Petitioner

Mr. Shiladitya Banerjee

.....For the State

Apprehending arrest in connection with Andal Police Station Case No. 143 of 2020 under sections 379/411/120B/413/414 of the Indian Penal Code read with section 30(ii) of the Coal Mines (Nationalisation) Act, 1973, the petitioner has filed the present application.

The learned advocate for the petitioner submits that the petitioner has been falsely implicated in the instant case and even the nick name of the petitioner, which has been furnished in the F.I.R., does not match with the address of the present petitioner. However, the petitioner apprehends arrest as the police authorities have been chasing for a considerable period of time.

The learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and draws the attention of this Court to the statements of the witnesses which are available in the case diary. The learned advocate also refers to an earlier order of a co-ordinate Bench in CRM

5451 of 2020, which was passed in respect of another accused. According to the learned advocate for the State, the present petitioner is similarly placed as other accused whose prayer for anticipatory bail was refused.

We have considered the materials available in the case diary, which include the statements of the witnesses. We have taken into account the order refusing the anticipatory bail to another accused passed by a co-ordinate Bench of this Court.

Having regard to the same, we direct the petitioner to surrender before the Jurisdictional Magistrate within a period of four weeks from date.

In case the petitioner surrenders within the aforesaid period, the Jurisdictional Magistrate will consider his application for bail, in accordance with law without being influenced by any observations made in this order.

The Investigating Officer shall not arrest the petitioner within the said period of four weeks but the petitioner shall meet with the Investigating Officer once a week on and from 20th April, 2021.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 792 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.)

