

18.05.2021
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allowed

C.R.M. No. 1078 of 2021
(via video conference)

In Re.: An application under Section 438 of the Code of Criminal Procedure in connection with Special Case No. 21 of 2015 arising out of S.L. No. 65 of 2014-15 dated 08.03.2015 under Section 8(b) of the NDPS Act..

And

In Re: Hemangini Mondal alias Hemajyani Dasi petitioner

Mr. Kusal Kumar Mukherjee
...for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Majhi
.... for the State

We have heard the learned Counsel appearing for the parties.

This is an application for anticipatory bail at the instance of the petitioner. Petitioner has relied upon the judgment of the Special Case No. 21 of 2015 in which the petitioner is also named as one of the accused persons to show that one of the accused persons namely Ramtenu Mondal has been acquitted. It appears from the order passed by the learned trial court that the prosecution could not show that the sketch map of the plot was prepared in accordance with law and there was no material on record to prima facie

show that the poppy cultivation had taken place in the land of the petitioner.

In view of the fact that the co-accused person, similarly placed with the petitioner, was acquitted by the learned trial court and the charge-sheet has already been filed, custodial interrogation of the petitioner shall not be required.

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, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain in force for a period of four weeks from date within which time the petitioner shall surrender before the trial court and obtain regular bail. Trial court shall decide the application for bail in accordance with law without being influenced by any observation made by this Court.

With the aforesaid observations, this application for anticipatory bail is, thus, allowed.

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

(Suvra Ghosh, J.)

(Soumen Sen, J.)

