

31.05.2021
Court No.28
rpan /14

C.R.M. 1102 of 2021

(Via Video Conference)

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

And

In Re : **Md. Giyasuddin Ansari**

- Petitioner.

Mr. Pawan Kumar Gupta,
Ms. Ankita Dey

... for the petitioner.

Mr. Neguive Ahmed,
Md. Anwar Hossain,
Mr. Navanil De

... for the State.

Apprehending arrest in connection with Hura P.S. Case No.108
of 2020 dated 01.11.2020 under Sections 379/411/414 of the Indian
Penal Code, the petitioner has filed the present application.

Mr. Gupta, learned advocate appearing for the petitioner
submits that the petitioner has been falsely implicated. The
allegations levelled against him do not stand supported with
appropriate materials. The petitioner has no antecedents and there
is also no possibility of the petitioner to flee from justice. In the said
conspectus, the petitioner may be granted anticipatory bail on any
stringent condition.

The learned advocate appearing for the State opposes the
petitioner's prayer and draws our attention to several documents in
the case diary.

It appears from the materials in the case diary that the tractor
and the trolley had been seized. However, the driver of the said
vehicle had fled away from the place of occurrence. It further
appears that the petitioner's earlier prayer for anticipatory bail was

rejected by the learned Sessions Court in the month of December, 2020.

In the said conspectus and considering the nature of allegations and the extent of complicity of the petitioner, we are of the opinion that custodial detention/interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Md. Giyasuddin Ansari** shall be released on bail upon furnishing a bond of ₹50,000/- (Rupees Fifty Thousand only) 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 with a further condition that he shall meet with the Investigating Officer of the case twice a week on and from 7th June, 2021 until further orders.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses.

In the event he fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for anticipatory bail, being CRM No.1102 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.

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)

