

29.07.2021

(Via Video Conference)

Court No.28
Item No.379
(ALLOWED)

CRM 1234 of 2021

Ab/Saswata

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 20.01.2021 in connection with Santipur Police Station Case No. 361 of 2020 dated 13.08.2020 under Sections 341/325/326/307/34 of the Indian Penal Code;

And

In the matter of : **Deb Sarkar @ Deb Kumar Sarkar.**

...Petitioner

Ms. Sananda Bhattacharya.

...For the Petitioner

**Mr. Binoy Panda,
Ms. Pushpita Saha,
Mr. Subham Bhakat.**

... For the State

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Santipur Police Station Case No. 361 of 2020 under Sections 341/325/326/307/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

The instant application for anticipatory bail has been filed by the petitioner alleging that he has been falsely implicated in the instant case.

A further plea has been taken that two other co-accused, who stand on the similar footing, have already been enlarged on bail by this Court.

The State opposes the prayer for bail. It is fairly submitted that

the petitioner stands on the same footing that of the other co-accused, who have already been enlarged on bail by this Court.

It further transpires that the charge-sheet has already been submitted and, therefore, we do not feel that the custodial interrogation of the petitioner is necessary.

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

CRM 1234 of 2021 is, thus, **allowed**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)