

DI. May 20,
47. 2021

Through Video Conference

C.R.M. 1498 of 2021

In the matter of : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on February 5, 2021 in connection with Ratua Police Station Case No. 162 of 2016 dated May 24, 2016 under Section 379 of the Indian Penal Code;

And

In the matter of : Kalam Hossain @ Leru @

Md. Kamal ...petitioner.

Versus

State of West Bengal ...opposite party.

Mr. Kallol Mondal,
Mr. Musharraf Alam Sk.,
...for the petitioner.

Ms. P. Saha,
...for the State.

We have heard the learned advocates appearing for the parties.

It is submitted on behalf of the petitioner that the petitioner is innocent and has been falsely implicated in the instant case. It has been further submitted that the name of the petitioner transpires from the statement of the other co-accused persons, which is not admissible evidence.

The learned Advocate appearing on behalf of the State opposes the prayer for anticipatory bail and submits that the petitioner is absconding for last four years.

Having considered the materials available on record and the fact that the stolen article has been recovered from one of the co-accused persons, who is presently on bail and also having regard to the nature and extent of complicity of the petitioner in the alleged offence and bearing in mind the fact that charge sheet has already been submitted, we are of the opinion that custodial

interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

Under such circumstances, we direct that in the event of arrest of the petitioner, namely, **Kalam Hossain @ Leru @ Md. Kamal**, he shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand) only with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer, subject to the conditions as laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

The application for anticipatory bail is, thus, **allowed**.

(Suvra Ghosh, J.)

(Soumen Sen, J.)

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