

23.
18-08-2021
(ct. no.32)
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Allowed

(Via Video Conference)

CRM 1534 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak Police Station** Case No. **646 of 2020** dated **27.08.2020** under Sections **399/402** of the Indian Penal Code.

- A n d -

In the matter of : Mintu Mandal @ Nintu.

.... Petitioner.

Mr. Mazahar Hossain Chowdhury

... For the Petitioner.

Mr. Tanmay Kumar Ghosh

Mr. Arindam Sen

... For the State.

The petitioner says that he has been falsely implicated. The allegation is that he was one of a gang which committed the dacoity. However, police having intervened, the petitioner fled. There was no recovery from him. Charge-sheet has been submitted.

We have considered the material in the case diary and the statement of witnesses recorded under Section 161 of the Code of Criminal Procedure. The petitioner seems to have been implicated on the basis of statements made by co-accused persons.

On an overall assessment of the facts and circumstances of the case, since charge-sheet has been submitted, we are of the view that immediate custodial

interrogation of the petitioner may not be necessary so long as he co-operates with further investigation, if any.

Accordingly, 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 shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 1534 of 2021 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.)

(Arijit Banerjee, J.)