

13.08.2021

(Via Video Conference)

court no. : 28
Item no. : PB - 04
matter : 438
status : allowed
transcriber : nandy

CRM 1834 of 2021

In Re:- An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 12.02.2021 in connection with Kotulpur Police Station Case No. 119 of 2020 dated 20.10.2020 under Sections 406/420 of the Indian Penal Code; (G.R. Case No. 605 of 2020)

and

In the matter of: **Niranjan Kumar**

.....Petitioner

Mr. Sandipan Ganguly, Advocate

Mr. Nilanjan Sen, Advocate

Ms. Smarajit Basu, Advocate

.....for the Petitioner

Mr. Nequive Ahmed, Advocate

Mr. Md. Anwar Hossain, Advocate

Ms. Sreyashee Biswas, Advocate

.....for the State

Apprehending arrest Kotulpur Police Station Case No. 119 of 2020 dated 20.10.2020 under Sections 406/420 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

Because of his position in the company the petitioner has been implicated in connection with the instant case solely on the basis of the statement of some of the co-accused. It is not in dispute that other co-accused persons except the petitioner had already been enlarged on bail.

Our attention is drawn to the statement of the witnesses recorded by the Police Officer during the investigation. We do not find any material directly involving the petitioner to the commission of such offence. We thus do not find any

justification in not extending the benefit of Section 438 of the Code of Criminal Procedure to the petitioner.

Thus, the prayer of anticipatory bail is **allowed**.

Accordingly, in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and on condition as laid down under Section 438(2) of the Code of Criminal Procedure and on further condition that the petitioner shall attend the trial Court on every date of hearing until further order.

The application for anticipatory bail being **CRM 1834 of 2021** is thus **disposed of**.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)