

12.08.2021

(Via Video Conference)

Court No.28  
Item No.304  
(ALLOWED)

**CRM 2063 of 2021**

Ab

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 22.02.2021 in connection with Durgachak Police Station Case No. 103 of 2020 dated 05.09.2020 under Sections 379/411/413/414/120B of the Indian Penal Code;

And

In the matter of : **Sk. Serajul @ Raghu.**

**...Petitioner**

**Mr. Sk. Rejaul Alam,  
Mr. Pankaj Halder.**

**...For the Petitioner**

**Mr. Saibal Bapuli,  
Mr. Soumik Ganguly.**

**... 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 Durgachak Police Station Case No. 103 of 2020 under Sections 379/411/413/414/120B 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 petitioner has been implicated in connection with the instant case on the basis of the statement of the co-accused; even the articles were seized from the possession of the principal accused and the role of the petitioner has not been established as yet.

In view of the above, we do not find any justification in not extending the benefit of Section 438 of the Code of Criminal Procedure to the petitioner.

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 and on further condition that the petitioner shall meet the Investigating Officer once in a week.

CRM 2063 of 2021 is, thus, **allowed**.

**(Harish Tandon, J)**

**(Bibek Chaudhuri,J.)**