

17.08.2021.
280.
As/Akd
(Allowed)

**C.R.M. 2216 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.632 of 2020 dated 21.08.2020 under Sections 379/411/413/414 of the Indian Penal Code.

In the matter of : Mannan Sk.

... Petitioner.

Mr. Mounick Ghosh.

.....for the Petitioner.

Mr. Narayan Prasad Agarwal,
Ms. Subhashree Patel.

.....for the State.

Apprehending arrest in connection with Kaliachak P.S. Case No.632 of 2020 dated 21.08.2020 under Sections 379/411/413/414 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

The case was registered on an allegation of stealing of a mobile phone. The principal accused has been arrested in connection with the instant case and during investigation disclosed the name of the petitioner. Solely on the basis of the statement of the co-accused, the petitioner is apprehending arrest in connection with the aforesaid case.

Since such statement made before the police is inadmissible in evidence at this stage and furthermore charge sheet has already been filed, we do not find any justification in the custodial interrogation of the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local subject to the satisfaction of the arresting officer and on condition that he

shall attend the trial court on every date of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioner fails to do so without any justifiable cause, the trial court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 2216 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)