

21.09.2021.
179.
As/Akd
(Allowed)

C.R.M. 2222 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Habibpur P.S. Case No.437 of 2017 dated 3.12.2017 under Sections 399/411/413/414 of the Indian Penal Code read with Section 11(a) of Prevention of Cruelty to Animals Act.

In the matter of : Prasanjit Chowdhury @ Proson
Chowdhury. ... Petitioner.

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

Mr. Prasun Kr. Dutta, Id. A.P.P.,
Mr. Nirupam Dhali.
.....for the State.

Apprehending arrest in connection with Habibpur P.S. Case No.437 of 2017 dated 3.12.2017 under Sections 399/411/413/414 of the Indian Penal Code read with Section 11(a) of Prevention of Cruelty to Animals Act, the petitioner has filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioner that two accused persons were arrested with two cattles. Subsequently, the petitioner has been implicated on the basis of the statement made by the apprehended accused persons. Apart from the statement of the co-accused recorded under Section 161 of the Code of Criminal Procedure, there is nothing against the petitioner.

Though the learned Advocate appearing for the State has raised objection against the prayer for anticipatory bail, in the absence of any material in the Case Diary, we are not in a

position to deny the relief contained in Section 438 of the Code of Criminal Procedure.

Hence, the prayer for anticipatory bail is allowed.

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, subject to the satisfaction of the arresting officer and on condition that he shall meet the Investigating Officer once in a fortnight and on further conditions as enshrined 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 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 2222 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)