

12.04.2021
SL No.07
Court No.28
(gc)
(Allowed)

CRM 2445 of 2020
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Labpur Police Station Case No.45 of 2020 dated 17/02/2020 under Sections 406/420/34 of the Indian Penal Code.

And

In the matter of : **Monirul Islam**

- Petitioner

Mr. Sandipan Ganguly, Sr. Adv.,
Md. Sabir Ahmed,
Mrs. Koyel Mukherjee,
Mr. Apan Saha,
Mr. Sayan Mukherjee,
Mr. S. Sarkar,

... For the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Mr. M. Sur, Ld. A.P.P.,
Mr. S. Bapuli, Ld. A.P.P.,
Mr. B. Bhattacharyya,
Mr. S. Banerjee,
Mr. B. Banerjee,
Mr. D. Pramanik,
Mr. P. Ghosh,

... For the State.

We have perused the order dated 4th March, 2020 passed by the earlier Coordinate Bench where an interim order was passed.

The report filed by the learned Public Prosecutor in respect of CRM 2036 of 2020 be treated as part of the record.

The report so submitted and the case diary so placed reflect that there are further statements of the witnesses but no necessary documents further could be seized in course of investigation.

We have heard the submissions of the rival parties and on an appreciation of the same, we are of the opinion that so far as the

merit of the present case is concerned, the custodial detention of the petitioner may not be warranted in the facts and circumstances of the case. Accordingly, 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, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall not enter the jurisdiction of the Labpur Police Station except for the purposes of attending the Court and the Officer-in-charge of the said Police Station without prior permission of the learned A.C.J.M, Bolpur. This order of anticipatory bail will remain in force for a period of four weeks from date within which time the petitioner shall appear/surrender before the Jurisdictional Court/A.C.J.M, Bolpur and pray for regular bail. The learned A.C.J.M, Bolpur will consider the application for bail in accordance with law independently without being influenced by any order passed by this Court.

With the aforesaid observation, the application for anticipatory bail, being CRM No.2445 of 2020, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)