

07.09.2021

Court No.30
rpan / 02

C.R.M. 2533 of 2020

In Re : **Joydev Barmon**

...Petitioner

Mr. Tapan Dutta Gupta,
Mr. Parvej Anam,
Ms. Rituparna Ghosh
... for the Petitioner.

Mr. Saibal Bapuli,
Mr. Bibaswan Bhattacharya
...for the State.

The present application under section 438 of the Code of Criminal Procedure has been preferred in connection with Sarsuna Police Station / SCO No. 118 dated 15.11.2019 under Sections 12(1A)(a), Passports Act read with Sections 419/420/464/471 of the Indian Penal Code, 1860.

Ms. Ghosh, learned advocate appearing for the petitioner submits that the petitioner is an Indian national and he has been falsely implicated in the present case. A coordinate bench of this Court granted an interim protection by an order dated 12th March, 2018 and in terms of the conditions, as incorporated therein, the petitioner has cooperated with investigation and has met with the Investigating Officer, as directed. In view thereof, custodial interrogation is not warranted in the facts and circumstances of the case.

Mr. Bapuli, learned Additional Public Prosecutor appearing for the State, however, opposes prayer of the petitioner and submits that investigation is still in progress.

It appears from the documents, as submitted, that the petitioner has produced his Aadhaar Card, EPIC and PAN Card before the investigating authorities and he has been under interim protection. Till date, there is also no adverse report against the petitioner.

Having heard the learned advocates and considering the materials on record, the nature of allegations and as the petitioner has cooperated with the investigation, we are of the opinion that his custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Joydev Barmon** shall be released on bail upon furnishing a bond ₹10,000/- with two sureties of like amount each, one of whom must be a 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 continue to cooperate with investigation and meet with the Investigating Officer of the case once a fortnight on and from 20th September, 2021 until further orders.

The application for anticipatory bail, being CRM No. 2533 of 2020 is, accordingly, disposed of.

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

(Rabindranath Samanta, J.) (Tapabrata Chakraborty, J.)