

01.07.2021

Court No.30

rpam / **11**

CRM 2607 of 2020
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In Re : **Md. Ashique Ikbai Mandal**

...Petitioner

Mr. Arindam Jana,
Mr. Bikram Banerjee,
Mr. Sudipta Dasgupta,
Mr. Saikat Sutradhar
... for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee,
Mr. Apurba Kumar Datta
... for the State.

Mr. Ananda Mukherjee
... for the *De Facto* Complainant

Apprehending arrest in connection with Basirhat P.S. Case No.213 of 2020 dated 13.02.2020 under Sections 406/409/420 of the Indian Penal Code, the petitioner has filed the present application.

Records reveal that by an order dated 11th March, 2020 a co-ordinate Bench of this Court directed that the petitioner shall not be arrested in connection with the concerned case. The said interim order was again extended on 15th December, 2020.

Mr. Jana, learned advocate appearing for the petitioner submits that the petitioner has duly complied with the conditions, as incorporated in the earlier order of this Court dated 11th March, 2020. Upon completion of investigation, charge-sheet has also been submitted and as such, custodial interrogation of the petitioner is not necessary.

Mr. Ghosh, learned advocate appears for the State and files a report. Let the same be kept on record.

It appears from the said report that the petitioner is co-operating with the investigating officer and is complying with the directions contained in the earlier order dated 11th March, 2020.

Mr. Mukherjee, learned advocate appearing for the *de facto* complainant submits that though the petitioner has been suspended, he is regularly visiting the school.

Having heard the learned advocates and since the petitioner has complied with the earlier directions of this Court till date, we are of the opinion that his custodial interrogation is not warranted, more so, when upon completion of investigation, charge sheet has been submitted. As such, the petitioner's prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Md. Ashique Iqbal Mandal** shall be released on bail upon furnishing a bond of ₹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 with a further condition that the petitioner shall meet with the Officer-in-charge, Basirhat Police Station once a fortnight until further orders.

The petitioner is also directed to attend the trial court on all the dates as specified for hearing and will not tamper with the evidence or intimidate the witnesses.

It is further made clear that in the event he fails to comply with the conditions without any justifiable cause, the learned trial court shall be at liberty to cancel his bail, in accordance with law, without any further reference to this Court.

The application for anticipatory bail, being CRM No. 2607 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.

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)