

CRM No.2444 of 2021

Via video conference

31.05.21

(S.R.)

Sl.46

Ct.28

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Arambagh** Police Station Case **No.569 of 2019** dated **22.12.2019** under Sections **186/332/353/427/504/506/509/354** of the Indian Penal Code read with Section **9** of the West Bengal Maintenance of Public Order Act, 1972 and under Section **3** of the Prevention of Damage to Public Property Act, 1984;

And

In re: Sk. Morsed Ali

... petitioner.

Mr. Siddhartha Sarkar

... for the petitioner.

Mr. Swapan Banerjee

Mr. Suman De

...for the State.

Mr. Sarkar, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He, in fact, went to the police station in response to a notice under Section 41(A) of the Code as served upon him. No overt act has been attributed to the petitioner. Upon completion of investigation charge sheet has also been submitted and as such, custodial detention of the petitioner is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the seizure list.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of this case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sk. Morsed Ali**, 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.

Accordingly, the application for anticipatory bail being CRM No.2444 of 2021 is disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)