

02.07.2021
Item no.05
Court No.30
Avijit Mitra

C.R.M.2814 of 2020 (through video conference)

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

And

In Re : Sentu Sk. & anr.

.... petitioners

Mr. Amajit De

....for the petitioners

Mr. Saibal Bapuli,

Mr. Soumik Ganguli

..... for the State

Apprehending arrest in connection with Coke Oven Police Station Case No.7 of 2020 dated 09.01.2020 under Sections 379/411/413/414/120B of the Indian Penal Code, the present application has been preferred.

Records reveal that by an order dated 15th December, 2020, a Coordinate Bench of this Court directed that the petitioners shall not be arrested in connection with the case for a period of four weeks or until further orders.

Mr. De, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. Their names have transpired on the basis of the statement of a co-accused person, before a police officer, which is inadmissible in evidence. The vehicles have already been recovered. In the said conspectus, custodial interrogation of the petitioners is not necessary.

He further submits that the petitioners have duly complied with the conditions as incorporated in the earlier order dated 15th December, 2020.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioners' prayer. However, drawing our attention to the seizure lists, he submits that the two vehicles with scrap iron had been recovered.

He further submits that the petitioners have complied with the earlier conditions as incorporated in the earlier order dated 15th December, 2020. Let the report, as produced, be kept on record.

Heard the learned advocates for the respective parties.

Considering the materials in the case diary and since the stolen articles have already been recovered, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case. The prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Sentu Sk and Rezina Begum**, shall be released on bail upon furnishing a bond of Rs.10,000/- each 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.2814 of 2020, is 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.)

