

77 08.06.2021
S.K/ Ct. No.28
S.M (Allowed)

C.R.M. 2586 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **10/03/2021** in connection with **Bowbazar** P.S. Case No. **240 of 2020** dated **07/08/2020** under Sections 120B/409/420/465/468/471/506 of the Indian Penal Code.

And

In the matter of: Md. Moim

....petitioner.

Mr. Mritynjoy Chatterjee

...for the petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

...for the State.

The application for anticipatory bail under Section 438 CrPC has been filed apprehending arrest in connection with Bowbazar P.S. Case No. 240 of 2020 dated 07.08.2020 under Sections 120B/409/420/465/468/471/506 of the Indian Penal Code corresponding to G.R. Case No. 755 of 2020 now pending before the learned Chief Metropolitan Magistrate, Kolkata.

It appears from the report of the police and the case records that the issue is primarily civil in nature and the principal accused has not yet been arrested nor has approached this Court for any relief. In C.R.M. 8106 of 2020 filed by the brother-in-law of the principal accused and the son of the petitioner before this court, the pre-arrest bail has been allowed.

This court having considered the entire allegations and the charges against the petitioner, this Court is of the view that the petitioner is entitled to pre-arrest bail.

The application under Section 438 is thus allowed.

Accordingly, in the event of arrest, the petitioner shall be

released on bail subject to satisfaction of conditions under Section 438 (2) of CrPC, 1973 and upon furnishing Bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the **learned Chief Metropolitan Magistrate, Kolkata**, subject to condition that the petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the concerned Court except for the purpose of investigation and attending Court proceedings and shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction he shall reside once in a week until further orders. The petitioner shall surrender his passport to the I.O. and if he does not possess a passport shall submit an affidavit to that effect before the I.O.

In the event of arrest the petitioner fails to appear before the trial Court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)

