

10. 17.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2775 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **17/03/2021** in connection with **Baishnabnagar Police Station Case No. 383/2019** dated **23/07/2019** under Sections **379/411/413/414** of the Indian Penal Code read with Sections **14(A)** of the Foreigners Act arising out of General Diary Reference Entry No.1004 of 2019.

And

In the matter of: - **Ujjal Mandal**

...petitioner.

Mr. Kalidas Saha

...for the petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta

...for the State.

The allegation against the petitioner and the other accused persons is of illegal smuggling of cattle to Bangladesh.

We have seen the material in the Case Diary. There was no recovery from the petitioner. There is nothing in the Case Diary against the petitioner excepting that the seizure list shows that a motorcycle was seized from the spot which is registered in the name of the petitioner.

We are told that charge-sheet as well as supplementary charge-sheet have been submitted.

On an assessment of the material on record and *prima facie* there being no incriminating material against the petitioner, we are of the opinion that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Ujjal Mandal** 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application being C.R.M. 2775 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)