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Allowed

CRM 2842 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Gangarampur P.S Case No. 169 of 2020 dated 02.6.2020 under Sections 379/411/413 of the Indian Penal Code.

And

In the matter of: Motaleb Mia
... Petitioner

Mr. Mazahar Hossain Chowdhury
.... For the Petitioner

Mr. Rana Mukherjee
Mr. Santanu Chatterjee For the State

Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner's name has transpired during interrogation of the co-accused person.

Considering the fact that the statement of the co-accused is inadmissible in evidence and nothing has been recovered from the possession of the petitioner, we are of the view that although custodial interrogation of the petitioner may not be necessary in the facts of the case, but his movement requires to be restricted.

Accordingly, we direct that in the event of arrest of the petitioner, he will be enlarged on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer and on further condition that the petitioner shall meet the Officer-in-Charge of Gangarampur police station once in fortnight and the petitioner shall not enter the territorial

jurisdiction of the Gangarampur police station except for meeting the investigation agency and/or attending the court proceeding as and when necessary until further order and shall provide the address where he shall presently reside to the investigating agency and the court below.

The petitioner shall also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail is, thus allowed.

CRM 2842 of 2021 is thus disposed of.

All parties shall act on the basis of the server copy of this order duly downloaded from the official website of this court.

(Rabindranath Samanta,J)

(Soumen Sen,J.)