

14.06.2021
Court No.28
Item No. 38
Avijit Mitra

CRM 2947 of 2021 (Via video Conference)

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

And

In Re: **Sailesh Mandal @ Saralesh Mandal**

Petitioner

Ms. Minoti Gomes,
Mr. Partha Sarathi Das

For the Petitioner

Mr. Rana Mukherjee,
Mr. Suman Saha

For the State

Apprehending arrest in connection with Baishnabnagar Police Station Case No.557 of 2020 dated 19.10.2020 under sections 489(B)/489(C)/120B of the Indian Penal Code, the present application has been filed.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner's name has transpired on the basis of a statement of co-accused person, namely, Motiur Sk. There had been no recovery of fake currency notes from the possession of the petitioner. Upon completion of investigation, chargesheet has also been submitted and as such custodial interrogation is not necessary.

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

It appears from the seizure list that fake currency notes were recovered from the possession of Motiur Sk., who is already in custody. Furthermore, *prima facie*, it appears that the petitioner's name has transpired on the basis of the statement made by the said Motiur Sk. In the said conspectus and considering the nature of allegation, we are of the opinion that custodial interrogation of the

petitioner is not warranted in the facts and circumstances of the present case. The prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sailesh Mandal @ Saralesh Mandal**, shall be released on anticipatory 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 with a further condition that the petitioner shall meet with the Officer-in-Charge, Baishnagnagar Police Station once a week on and from 21st June, 2021.

The petitioner shall also attend the learned Court below on all the dates as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel the bail, without further reference to this Court.

Accordingly, the application for anticipatory bail being CRM No.2947 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.

(Kausik Chanda, J.)

(Tapabrata Chakraborty, J.)

