

CRM 2968 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kalyani Police Station Case No.19 of 2021 dated 27-02-2021 under Sections 379/411 of the Indian Penal Code read with Sections 48A/51 of the Wild Life Protection Act and Section 11 of the Prevention of Cruelty to Animal Act.

- A n d -

In the matter of : Subhankar Das

.... Petitioner.

Mr. Mritunjoy Chatterjee,
Mr. Debapriya Majumder

... For the Petitioner.

Mr. Rana Mukherjee,
Mr. Md. Sabir Ahmed,
Mr. Suman Saha

... For the State.

The allegation is that acting on source information, the police conducted a raid and apprehended three persons and recovered various types of rare species of birds and one rare species of animal from them. It is not the case that there was any recovery from the petitioner. The three accused persons in their statements recorded under Section 161 of the Code of Criminal Procedure, did not name the petitioner. The petitioner's name transpired in the memo of the police.

We have seen the statements of witnesses in the Case Diary. Charge-sheet is yet to be filed. However, on an overall assessment of the material on record and the nature and gravity of the alleged offence, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, Subhankar Das, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and shall meet the Investigating Officer once every fortnight until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2968 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**