

DL. October 7,
12. 2021

C.R.M. 3079 of 2021

In the matter of : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on March 26, 2021 in connection with Berhampore Police Station Case No. 133 of 2016 dated February 11, 2016 under Sections 420/464/466/470/471/406/34 of the Indian Penal Code;

And

In the matter of : Sk. Mosaraf Hossain	...petitioner.
Versus	
State of West Bengal	...opposite party.

Mr. Masud Karim,
Ms. Ranjana Talapatra,
...for the petitioner.

Mr. Rana Mukherjee,
Mr. Santanu Chatterjee,
...for the State.

We have heard the learned advocates appearing for the parties and perused the case diary.

It is submitted on behalf of the petitioner that the petitioner is innocent and has been falsely implicated in the instant case. It is further submitted that charge sheet has already been submitted. On this score, the learned lawyer for the petitioner points out that there is no need of custodial interrogation of the petitioner at this stage.

The learned lawyer appearing on behalf of the State opposes the prayer for anticipatory bail.

We have considered the materials in the case diary, from which it appears that charge sheet in the instant case was submitted on July 30, 2016 under Sections 420/464/466/470/471/406/34 of the Indian Penal Code. On submission of the charge sheet, the purpose of investigation is over. Under such

circumstances, we are of the view that custodial interrogation of the petitioner is not necessary.

We, as such, direct that in the event of arrest of the petitioner, namely, **Sk. Mosaraf Hossain**, he shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand) only with two sureties of like amount to the satisfaction of the arresting officer, subject to the conditions as laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure and on further condition that he shall surrender before the trial court within a period of six weeks from date for the purpose of regular bail.

We make it clear that it will be left open to the discretion of the trial court to decide the application for regular bail on merits.

The application for anticipatory bail is, thus, **allowed**.

dns

(**Rabindranath Samanta, J.**)

(**Soumen Sen, J.**)