

29.09.2021
Item no.62
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3376 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 13.04.2021 in connection with Chapra Police Station Case No. 34 of 2021 dated 19.01.2021 under Sections 452/427/307/120B/34 of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of : Shukdeb Brahma.

.....Petitioner.

Ms. Munmun Basu, Advocate,
.....for the Petitioner.

Mrs. Zareen Khan, Advocate,
Mrs. Sreeparna Das, Advocate,
.....for the State.

The allegation against the petitioner is under Sections 452/427/307/120B/34 of the Indian Penal Code read with Sections 25/27 of the Arms Act.

The petitioner says that this is a politically motivated false complaint as on the date of the incident he was in Puri with his family members. He has annexed copy of the railway ticket and hotel bills.

The State draws our attention to the material in the case diary. The statements of witnesses are not such as would

prima facie implicate the petitioner. investigation is going on. The petitioner says that he will fully co-operate with the Investigating Officer.

On an overall assessment of the material on record and the possible extent of the petitioner's complicity therein, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer, if charge-sheet has not yet been submitted. Otherwise, he undertakes to co-operate with the Investigating Officer in case of further investigation, if any.

Accordingly, in the event of arrest, the petitioner namely **Shukdeb Brahma** 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 until further orders.

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 for anticipatory bail being CRM 3376 of 2021 is, thus, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)