

CRM 3740 of 2021

11.06.2021

(Sl. No. 71)

(through Video Conference)

Ct. No. 28

(S. Banerjee/TB)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 17.05.2021 in connection with Moyna Police Station Case No. 75 of 2021 dated 25.03.2021 under Sections 341/323/325/379/506/34 of the Indian Penal Code, 1860.

And

In the matter of: Siddhartha Mondal @ Sidhartha Mondal
...petitioner

Mr. Siddhartha Sarkar

... for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

... for the State

Counsel for the petitioner submits that he has been charged with offence under Section 379. The allegation is of theft and minor assault.

Counsel for the State fairly submits that the petitioner has cooperated and complied with the notice under Section 41A.

In that view of the matter and considering the injury report this court is of the view that the petitioner has been able to make out a case to get relief under Section 438 of the Code of Criminal Procedure.

Accordingly, in the event of arrest the petitioner shall be released on bail subject to satisfaction of conditions under Section 438(2) of the Code of Criminal Procedure and upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the investing officer, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any

manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the police station except for the purpose of the investigation and attending court proceedings and shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall report to the officer in charge of the concerned police station within whose jurisdiction they shall reside once in a week until further orders. The petitioner shall surrender his passport to the investigating officer and if he does not possess a passport, shall submit an affidavit to that effect before the investigating officer.

In the event of arrest if the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail in accordance with law without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Biswajit Basu, J.)