

35. 08.11.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3869 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **01/06/2021** in connection with **Chapra Police Station Case No. 426 of 2020** dated **29/10/2020** under Section **380** of the Indian Penal Code and added Sections **395/411** of the Indian Penal Code.

And

In the matter of: - **Firoj Sk @ Sekh**

...petitioner.

Mr. Amanul Islam

...for the petitioner.

Mr. Tanmoy Kr. Ghosh,
Mr. Arindam Sen

...for the State.

This case was initiated with the allegation of the offence of theft having been committed. Subsequently, the charge of dacoity was added.

The petitioner says that he has absolutely no connection with the alleged offence. He is not a person named in the F.I.R. His name has transpired only from the statements of co-accused persons.

We have seen the material in the Case Diary. No independent witness has named this petitioner as being a part of the group which allegedly committed dacoity and theft. His name has come into light only from statements of co-accused persons. Further, investigation has been completed and charge-sheet has been submitted.

On an overall consideration of the material on record and the possible extent of complicity of this petitioner in the alleged

offence, we are of the view that the petitioner's prayer for anticipatory bail may be allowed so long as he co-operates with further investigation, if any.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Firoj Sk @ Sekh** 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.

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 C.R.M. 3869 of 2021 is, accordingly, disposed of.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)