

02.12.2021
Item no.129
Court No.32
Avijit Mitra

C.R.M. 4486 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Sandip Adhikari

.... petitioner

Mr. Monish Sen,

Ms. Oisani Mukherjee

....for the petitioner

Mr. Sudip Ghosh,

Mr. Apurba Kumar Datta

..... for the State

Apprehending arrest in connection with Mejia Police Station Case No.73 of 2017 dated 15.07.2017 under Sections 397/411/420/413/414/120B of the Indian Penal Code and Section 30(2) of the Coal Mines Nationalisation Act and Section 3(2) of P.D.P.P. Act, the present application is filed praying for anticipatory bail.

Mr. Sen, learned lawyer for the petitioner submitted, that out of eight accused persons five co-accused who are on the same footing are on bail. According to the learned lawyer for the petitioner, chargesheet has been submitted; custodial interrogation is not necessary and the petitioner should be allowed anticipatory bail on any stringent condition. It is further submitted by the learned lawyer for the petitioner that the present petitioner is a resident of Andal, Paschim Bardhaman for which he has no knowledge of the incident which occurred in the district of Bankura, as a result of which he is shown absconding in the chargesheet.

Per contra, learned lawyer representing the State submitted, that incriminating materials are there in the case diary against the present petitioner which clearly implicates the petitioner to the alleged commission of the crime. However, learned lawyer for the State admitted that the case was registered in the month of July, 2017 and the petitioner is absconding.

We have heard rival submissions and perused the case diary. It is a fact that incriminating elements are there against the petitioner but also we are mindful of the fact that co-accused persons are on bail, custodial interrogation of the petitioner is not necessary as chargesheet has been filed. Accordingly, we are inclined to allow the anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sandip Adhikari**, shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further direction that the petitioner shall not enter the jurisdiction of Mejia Police Station, except to attend Court.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 4486 of 2021 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)