

22.09.2021
Item no.19.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 5027 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 29.07.2021 in connection with Burrabazar Police Station Case No.124 of 2021 Dated 19.06.2021 under Section 401(A) of the Kolkata Municipal Act

And

In the matter of : Binay Kumar Dubey

.....Petitioner.

Ms. Minoti Gomes,
Ms. A. Khatoon,
Md. Zeeshan Uddinfor the Petitioner.

Mr. S. G. Mukherjee, ld. PP,
Ms. Faria Hossain,
Ms. Sonali Dasfor the State.

The allegation against the petitioner is under Section 401(A) of the Kolkata Municipal Corporation Act, 1980. The complaint is that the petitioner has installed a roller shutter to protect his garage. Apparently, his car's stereo system was stolen thrice. The petitioner has taken this step to protect his car.

The State says that this is only the half-truth. The petitioner has committed violation of other provisions of the Kolkata Municipal Corporation Act.

We have seen the material in the case diary. Considering the nature of the allegations, we are of the opinion that custodial interrogation of the petitioner is not necessary so long as he cooperates with the Investigating Officer. We also note that he has responded to the notice issued under Section 41A of the Code of Criminal Procedure and is cooperating with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely Binay Kumar Dubey 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 and on further condition that the petitioner shall meet the Investigating Officer once every fortnight and as and when called for till the investigation is over.

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. No.5027 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.)

