

15. 27.08.2021

Ct.32

Tanmoy

Allowed

C.R.M. 5359 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **11/08/2021** in connection with **Manikchak Police Station Case No. 178 of 2012** dated **04/07/2012** under Sections **409/468/471/420/34** of the Indian Penal Code.

And

In the matter of: - **Golam Rabbani**

....petitioner.

Ms. Minoti Gomes,
Ms. Manika Sarkar

...for the petitioner.

Mr. Binay Panda,
Ms. Puspita Saha,
Mr. Subham Bhakat

...for the State.

The petitioner says that his name does not appear in the F.I.R., nor in the charge-sheet. He deposed as a witness in the criminal case in question. Warrant of arrest has been issued by the learned trial Court on the basis that apparently certain material documents have gone missing from the custody of the petitioner.

We have considered the material in the Case Diary. The petitioner, *prima facie*, does not appear to be involved in any alleged offence. On an overall assessment of the facts and circumstances of the case, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he is prepared to co-operate with further investigation, if any.

Accordingly, in the event of arrest, the petitioner 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 being C.R.M. 5359 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.)