

15.09.2021

36

Ct. No. 29

sdas

Allowed

**C.R.M. 5705 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 878 of 2021 dated 14.08.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Fitu Sk. petitioner

Mr. Tapodip Gupta

.....for the petitioner

Mr. Tapandeb Nandy

Mr. Antarikhya Basu

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that no contraband was seized from the possession of the petitioner. The petitioner was falsely implicated in the instant case by a co-accused.

Learned advocate appearing for the State draws attention of the Court to the statement recorded under Section 161 of the Code of Criminal Procedure particularly to the statement made by Mr. Ruhul Amin.

Considering the fact that no contraband was recovered from the possession of the petitioner and considering that there

is no previous criminal antecedent of the petitioner, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that 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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner shall meet the investigating officer once in a week until further orders and shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)

C.R.M. 11960 of 2017

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.
And

In Re : Aslam Ali Sk. @ Aslam Sk. petitioner

Mr. Kallol Mondal,
Ms. Amrita Chel

.....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

(Joymalya Bagchi, J.)

