

29.11.2021
Court No.32
Item No. 01
Krishnendu
Allowed

**C.R.M. 7063 of 2021
(Via Video Conference)**

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

And

In re: **Sampad Ghosh @ Sampada Ghosh**
Petitioner

Mr. Samiran Mondal
Mr. Abhinaba Dan

For the Petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

For the State

Apprehending arrest in connection with Gangajalghati Police Station Case No. 67 of 2021 dated 09.06.2021 under Sections 379/411/413/414 of the Indian Penal Code, section 30(2) of the Coal Mines (Nationalization) Act, 1973 and section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, the present application has been preferred.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against are in the abstract. There is also no likelihood that the petitioner would flee from justice. In the said conspectus, custodial interrogation of the petitioner is not warranted and he may be granted anticipatory bail.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in

the case diary. He submits that the petitioner is the owner of the motor cycle and there are materials, which clearly reveal the direct involvement of the petitioner in the alleged offence.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the gravity of the offence, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest the petitioner, namely, **Sampad Ghosh @ Sampada Ghosh**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on conditions that the petitioner shall meet with the Investigating Officer once a fortnight till the investigation is completed and he shall not tamper with the evidence and/or intimidate the witnesses.

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

With the aforesaid observations, the application for anticipatory bail, being CRM No. 7063 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)