

CRM 7477 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Debdulal Maji**

..... petitioner

Mr. Mrityunjay Chatterjee
Mr. Bhaskar Hutait

.....For the petitioner

Mr. Sanjib Kumar Dan

.....For the State

Apprehending arrest in connection with Garhbeta Police Station Case No. 320 of 2021 dated 30.07.2021 under Sections 406/420 of the Indian Penal Code, the present application has been preferred.

Mr. Chatterjee, learned advocate representing the petitioner submitted that the present petitioner is under no circumstances connected with the alleged offence. In fact, the present petitioner has nothing to do with allegations. There is no necessity of custodial detention. Therefore, he prays for anticipatory bail.

Per contra, Mr. Dan, learned lawyer representing the State submitted that there are incriminating elements against the instant petitioner and materials are there to show that he collected money from the villagers belonging to Scheduled Castes with promise of providing electricity connection. He opposes the anticipatory bail application on the ground that investigation is still pending and custodial detention may be necessary.

We have perused the case diary and heard the rival submissions of the learned lawyers appearing for the respective parties. It appears *prima facie* that there are conflicting and contradictory incriminating elements against the present petitioner. Since investigation is still pending, we are not in a position to comment anything on this aspect. However, on perusal of the case diary and other materials, we are of the considered opinion that in view of nature of available materials, we allow the instant application and direct that in the event of arrest the petitioner, namely, **Debdulal Maji** 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 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 leave the jurisdiction of Garhbeta Police Station except with permission of the Investigating Officer and shall meet the Investigating Officer once a week till the investigation is complete. It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend the learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 7477 of 2021, is, thus, 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.)