

21.12.2021
Item no.42.
Court No.28.
AB

(Via Video Conference)

CRM No. 8347 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Garhbeta Police Station Case No.393 Dated 18.9.2021 under Sections 379/411/413/414 of the Indian Penal Code read with Section 21 of the Mines and Minerals (D&R) Act

And

In the matter of : Aktar Ali Gayen

.....Petitioner.

Mr. Navanil De,
Mr. Subhrajit Dey,
Mr. Rajeshwar Chakrabortyfor the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitoshok Banerjeefor the State.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case.

Learned lawyer appearing for the State opposes the prayer for anticipatory bail.

Keeping in mind the facts and circumstances of the case and as seizure of incriminating materials have already been effected, we are of the view that the petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of

Rs.10,000/-(Rupees Ten Thousand only) 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 appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)