

08.09.2021
Court No.30
Item No. 01
Krishnendu
Allowed

**C.R.M. 7400 of 2020
With
C.R.A.N. 1 of 2020
(Via Video Conference)**

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

And

In re: **Dr. Amitava Kanjilal**

Petitioner

Mr. Soubhik Mitter
Ms. Ranjandini Das

For the Petitioner

Mr. Arun Sarkar
Mr. Abhijit Sarkar

For the State

Apprehending arrest in connection with Matigara Police Station Case No. 992 of 2020 dated 12.09.2020 under Sections 409/420/468/511/120B of the Indian Penal Code, 1860 and section 7 of the Prevention of Corruption Act, 1988, the present application has been preferred.

Mr. Mitter, learned advocate appearing for the petitioner submits that the petitioner is a teacher of Siliguri College and he has been falsely implicated. The allegations levelled against him are unfounded. Considering the nature of allegations, a Co-ordinate Bench of this Court granted an interim protection to the petitioner on 27th November, 2020. The petitioner has duly complied with the conditions, as incorporated in the said order and in the said conspectus, custodial interrogation is not necessary.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and submits that investigation is still in progress. He has also drawn our attention to the F.S.L. report wherein it has been suggested that a fresh specimen sample of the accused may be recorded and provided to the concerned laboratory.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Records reveal that the petitioner is a teacher of Siliguri College and as such there is no likelihood that he would flee from justice. He had been on interim protection since the month of November, 2020 and he has complied with the conditions, as incorporated in the order dated 27th November, 2020.

In view thereof, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, viz. **Dr. Amitava Kanjilal**, 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 and with a further condition that the petitioner shall meet with the Investigating Officer of this case once in a fortnight on and from 20th September, 2021 until further orders.

The application for anticipatory bail, being C.R.M. 7400 of 2020 and the connected application, being C.R.A.N. 1 of 2020, are, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Rabindranath Samanta, J.) (Tapabrata Chakraborty, J.)