

18.02.2021
Court No.28
rpan /125

C.R.M. 8141 of 2020
(Via Video Conference)

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

And

In Re : Tinku Kumar Nonia
.....Petitioner.

Mr. Bitasok Banerjee,

Mr. A. K. Datta

.....for the Petitioner.

Mr. Madhusudan Sur,

Mr. Manoranjan Mahata

... for the State.

Apprehending arrest in connection with Asansol South Police Station Case No.178 of 2020 dated 19.06.2020 under Sections 465/467/468/471/420/506/120B of the Indian Penal Code, the petitioner has filed the present application.

Learned senior advocate for the petitioner submits that pursuant to the order dated 20.10.2020, the petitioner has already handed over the Mahindra Scorpio in issue to the Investigating Officer of the case. Learned advocate further submits that there was a civil case pending between the petitioner and the officials of Rudra Auto Mart Pvt. Ltd. and Mahindra & Mahindra Financial Services Ltd.

Mr. Sur, learned advocate appearing for the State opposes the prayer for anticipatory bail and draws the attention of this Court to the statement of one Subham Mukherjee which was recorded by way of Section 161 of the Code of Criminal

Procedure by the Investigating Officer of the case. He also admits that the vehicle, in dispute, has already been handed over to the Investigating Officer of the case.

Having regard to the materials in the case diary and the fact that there has been compliance of the earlier order dated 20th October, 2020, passed by a co-ordinate Bench of this Court, we are of the opinion that custodial detention of the petitioner may not be warranted. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, 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, 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.

The application for anticipatory bail, being CRM 8141 of 2020, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)