

02.07.2021

Court No.30

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CRM 9840 of 2020
(Via video Conference)

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

And

In Re : **Santosh Adhikary & Another**

...Petitioners

Mr. Kusal Kumar Mukherjee

... for the Petitioners.

Mr. Nequive Ahmed,

Md. Anwar Hossain,

Ms. Amita Gaur

... for the State.

Apprehending arrest in connection with Bowbazar P.S. Case No.362 of 2020 dated 05.11.2020 under Section 380 of the Indian Penal Code, the petitioners have filed the present application.

Records reveal that by an earlier order dated 18th December, 2020 a co-ordinate Bench of this Court directed that the petitioners shall not be arrested in connection with this case for a period of six weeks after X-mas Vacation on condition that they shall meet the investigating officer once in a week or until further orders, whichever is earlier and shall cooperate with the investigation in accordance with law.

Mr. Mukherjee, learned advocate appearing for the petitioners, submits that the petitioners have duly complied with the directions, as contained in the earlier order of this Court and in view thereof, custodial interrogation of the petitioner is not necessary.

Mr. Ahmed, learned advocate appearing for the State, submits that there is no adverse report and the petitioners have complied with the earlier directions. Let the report, as produced, be kept on record.

Under such circumstances, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the case. As such, the petitioners' prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **1. Santosh Adhikary** and **2. Rajkumar Halder** shall be released on bail upon furnishing a bond of ₹10,000/- each 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 No. 9840 of 2020 is, thus, disposed of.

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

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)