

25.02.21 In re: An application for anticipatory bail under Section 438 of the
(S.R.) Code of Criminal Procedure filed in connection with **Baguiati** Police
Sl.23 Station Case **No.379 of 2020** dated **24.10.2020** under Sections
Ct.28 **408/120B** of the Indian Penal Code;

And

In re: Sabyasachi Das

... petitioner.

Mr. Sabyasachi Mukherjee

Mr. Bibek Dey

... for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The principal accused, namely, Suman Bose had already been granted anticipatory bail by a coordinate bench of this Court on 11th December, 2020. The petitioner was issued 41A notice but he could not appear on the specified date since he was suffering from COVID-19. There are no incriminating materials on record against the petitioner and as such, his custodial interrogation is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence and since the other accused has already been granted anticipatory bail, we are of the opinion that the custodial interrogation of the petitioner is not warranted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sabyasachi Das** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, 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 a further condition that the petitioner shall meet the investigating officer once in a week on and from 1st March, 2021, until further orders.

Accordingly, the application for anticipatory bail being CRM No.9908 of 2020, is allowed.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)