

28.06.2021

Item No.10

Court No.30

Avijit Mitra

C.R.M. 10439 of 2020
(Through video conference)

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

And

In Re : **Pardeep Kumar & anr.** petitioners

Mr. Surajit Basu

..... for the petitioners

Mr. Neguive Ahmed,
Mr. Anwar Hossain,
Ms. Amita Gaur

..... for the State

Apprehending arrest the present application has been
preferred in connection with Goalpokher Police Station Case No.
204 of 2020 dated 13.07.2020 under sections
381/407/411/413/414/34 of the Indian Penal Code read with
Sections 46(A)/48 B.E. Act.

Mr. Basu, learned advocate appearing for the petitioners
submits that the petitioners have been falsely implicated. Their
names do not feature in the F.I.R. The principal accused persons
were arrested and were enlarged on bail by the learned Court below
by an order dated 21st July, 2020 which would reveal that the
seized loaded spirit had already been returned to the owner after
proper verification. In the said conspectus, custodial interrogation
of the petitioners is not necessary.

Mr. Ahmed, learned Additional Public Prosecutor appearing
for the State opposes the petitioners' prayer. However, he does not

dispute the fact that two other co-accused persons have already been enlarged on bail by the learned Court below.

Having heard the learned advocates appearing for the respective parties and considering the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Pardeep Kumar and Dablu @ Md. Sahid Ansari** shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount, 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 with a further condition that the petitioners shall meet with the investigating officer once a week on and from 8th July, 2021 until further orders.

With the aforesaid observations, CRM 10439 of 2020 is 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.)