

25.02.2021

Item No.31

Ct.No.28

dc.

Allowed

C.R.M. 10479 of 2020

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Sukumar Ghosh @ Kali**

... Petitioner.

Ms. Minoti Gomes,
Ms. Rituparna Ghosh

... For the Petitioner.

Mr. Rudradipta Nandy

... For the State.

Apprehending arrest in connection with Mohanpur P.S. Case No. 110 of 2020 dated 14.10.2020 under Sections 186/187/188/189/353/379/34 of the Indian Penal Code read with Section 21(4) of the Mines and Minerals Act, 1957, the present application has been preferred.

The learned advocate appearing for the petitioner submits that the present petitioner has been falsely implicated in the instant case with a malafide intention for detaining him in the custody. The learned advocate further submits that the petitioner is innocent of the charges and he is ready to comply with any stringent conditions imposed by this Court.

Mr. Nandy, learned advocate appearing for the State opposes the petitioner's prayer and submits that it was at the instance of the petitioner, the drivers of the dumpers, who were carrying illegal sand from the mines, fled away.

Having regard to the submissions of the rival parties and the nature of the case, we are of the opinion that custodial detention of the petitioner may not be warranted in the facts and circumstances of the case.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Sukumar Ghosh @ Kali** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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 on further condition that the petitioner shall meet with the Officer-in-Charge of Mohanpur Police Station once a week on and from 01.03.2021 until further orders.

The application for anticipatory bail, being CRM 10479 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.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)