

12.07.2021
Court No.30
Item No. 06
Krishnendu
Allowed

CRM 10480 of 2020
(Via video Conference)

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

And

In Re : Amir Sohel alias Jidan Sk.

Petitioner

Ms. Sinthia Bala

Mr. Diptendu Banerjee

For the Petitioner

Mr. Bidyut Kkumar Roy

Ms. Rita Dutta

Ms. Manisha Sharma

For the State

Apprehending arrest in connection with Berhampore Police Station Case No. 1060 of 2020 dated 17.10.2020 under sections 420/406/34 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Ms. Bala, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegations levelled against him are unfounded. The *de facto* complainant is the friend of the petitioner and on the date of the alleged incident, they both went to Berhampore with their respective motor bikes. The motor bike of the *de facto* complainant was stolen. However, he lodged the complaint three days thereafter. There is no incriminating material against the petitioner and as such his custodial interrogation is not necessary.

Mr. Roy, learned advocate, appearing on behalf of the State, opposes the petitioner's prayer and submits that the stolen motor bike has not yet been recovered and investigation is still in progress.

Records reveal that by an order dated 17th December, 2020 a co- ordinate Bench of this Court passed an order directing that the petitioner shall not be arrested in connection with this case for a period of five weeks after vacation or until further orders whichever is earlier. The petitioner was also directed to meet with the Investigating Officer once a week until further orders. Such condition has been complied with by the petitioner and there is no adverse report against him. In the said conspectus, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Amir Sohel alias Jidan Sk.** 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 also 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 Investigating Officer once a week on and from 19th July, 2021 until further orders.

The application for anticipatory bail, being CRM No. 10480 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)