

04.03.2021
Court No.28
Item No. 38
Krishnendu
Allowed

**CRM 10774 of 2020
(Via video Conference)**

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

And

In Re : **Kankan Majumdar**

Petitioner

Mr. Pritam Majumdar

For the Petitioner

Mr. Prasun Kumar Dutta, Id. A.P.P.

Mr. Subrata Roy

For the State

Leave is granted to the learned advocate-on-record of the petitioner to make necessary correction in the cause title of the application.

Apprehending arrest in connection with Bhatpara P.S. Case No. 400 of 2020 dated 20.10.2020 under sections 306/34 of the Indian Penal Code, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in this case. No overt act has been attributed to the petitioner. A co-accused person, namely, Pritam Halder, has already been enlarged on bail by the learned trial court. In the said conspectus, custodial interrogation of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and draws our attention to the statements of the witnesses, as recorded under section 161 of the Code of Criminal Procedure.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Kankan Majumdar**, 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 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. 10774 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.)