

C.R.M. 11120 of 2020

Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Habibpur Police Station Case No. 20/2020 dated 16.01.2020 under section 379/411 of the Indian Penal Code read with section 14(A)(b)/14(c) of Foreigners Act and 11(A) of Cruelty to Animals Act.

In re : Taiyab Mandal ... Petitioner.

Mr. Atis Kumar Biswas,
Mr. Jakir Hossain ... for the Petitioner.

Ms. Faria Hossain,
Ms. Sonali Das ... for the State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Taiyab Mandal is taken up for hearing and order.

It is submitted on behalf of the petitioner that he is an Indian national and resident of Malda and his name has transpired from the statement of co-accused. No recovery has been made from him.

The State produces the case diary and opposes the prayer for anticipatory bail. The State also indicates that the petitioner is a resident of Malda.

It transpires from the case diary that no recovery was made from the petitioner. The local witnesses examined during investigation has also not named the petitioner. There is no allegation against the petitioner under Section 14 of the Foreigners Act. Having considered the materials in the case diary as also charge sheet has

been submitted, we are of the opinion that custodial interrogation of the petitioner is not required for the purpose of investigation.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of like amount 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.

The application for anticipatory bail is, accordingly, allowed.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)