

19.03.2021

Item no. 131

Ct.04

PG

C.R.M. No.11240 of 2020

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jamuria Police Station Case No. 427 of 2019 dated 24.11.2019 under Sections 363/365/120B adding Sections 302/201 of the Indian Penal Code.

And

In the matter of:- Sk. Ashik @ Kalu.....petitioner

Mr. Kunal Ganguly.....for the petitioner

Mr. Rudradipta Nandy ..for the State

The present application under section 438 of the Code of Criminal Procedure filed at the instance of Sk. Ashik @ Kalu is taken up for hearing and order.

It is submitted on behalf of the petitioner that he was not named in the F.I.R. and has no involvement in the alleged offence. The principal assailants are in custody.

The State opposes the prayer for anticipatory bail and refers to the statement of witnesses in the case diary.

Having considered the materials on record as well as the extent of complicity of the petitioner in the alleged crime and also as he is not the principal accused, we are inclined to hold that custodial interrogation of the petitioner is not required. Moreover, investigation has also culminated in submission of charge sheet.

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.

C.R.M. 11240 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)