

06. 13.08.2021

Ct.32

Tanmoy

Allowed

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

(Through Video Conference)

C.R.M. 815 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **04/08/2021** in connection with **Mekhliganj Police Station Case No. 365 of 2020** dated **23/11/2020** under Section **302** of the Indian Penal Code. Charge-sheet submitted under Sections **302/34** of the Indian Penal Code read with Section **27** of the Arms Act, 1959.

And

In the matter of: - **Sonapada Barman**

....petitioner.

Mr. Sabir Ahmed,
Mr. Hillol Saha Podder,
Mr. Mujibar Ali Naskar

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Biswarup Roy

...for the State (through V.C.)

It is submitted on behalf of the petitioner that he is a distant relative of the victim and has no connection with the alleged crime. Though his name transpires in the charge-sheet submitted by the Investigating Officer, the charge-sheet is silent with regard to his complicity. The offending weapon has been recovered from the principal accused, who is on bail.

Learned Counsel for the State opposes the prayer for anticipatory bail and submits that the offending gun was supplied by the petitioner to the principal accused.

We have considered the material on record. Charge-sheet has been submitted upon completion of investigation. The principal accused, from whom the offending weapon was recovered, has been enlarged on bail. Upon consideration of the material in the Case Diary as well as the extent of complicity of the petitioner in the alleged offence, we are inclined to hold that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with further investigation, if any.

Accordingly, in the event of arrest, the petitioner 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. 815 of 2021 is, thus, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)