

13.08.2021
Item no.5.
Court No.32.
AB
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

(Via Video Conference)

CRM No.825 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 05.08.2021 in connection with Phansidewa Police Station Case No.175 of 2021 Dated 05.05.2021 under Section 379 of the Indian Penal Code

And

In the matter of : Md. Ekramul Haque

.....Petitioner.

Mr. Sayan De,
Mr. Kaustuv Shomefor the Petitioner.

Mr. Nilay Chakraborty,
Ms. Namrata Dasfor the State.

The charge is of theft of iron rods. There was no recovery from the petitioner. Recovery was from the co-accused persons, who have been granted bail. The name of the petitioner has transpired from the statements made by the co-accused persons.

We have considered the material in the case diary and the nature and gravity of the charge brought against the petitioner. On an overall assessment of the facts and circumstances of the case, we are of the view that immediate

custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

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 until further orders ; and on further condition that the petitioner shall meet the Investigating Officer once in a week until further orders.

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. No.825 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)