

08.06.2022

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Allowed

C.R.M.(A) 2405 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 913 of 2021 dated 01.09.2021 under Sections 489B/489C/120B of the Indian Penal Code.

And

In Re : Jem Mia petitioner

Mr. Amitava Karmakar
Mr. Arup Kumar Bhowmick
.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mrs. Sonali Das
....for the State

It is submitted by the learned Counsel appearing for the petitioner that no counterfeit currency note was recovered from his possession. He has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail and submits petitioner has criminal antecedents and was arrested in Mumbai with regard to illicit possession of counterfeit notes. He had conspired with co-accused who was arrested with counterfeit notes in Malda.

We have considered the materials on record. Materials on record do not show recovery of any counterfeit note from the petitioner. His complicity in the present case has transpired

from the statement of co-accused before the police office. Investigation is complete.

Bearing in mind the extent of complicity of the petitioner in the crime and as there is no scope for custodial interrogation of the petitioner as investigation is complete, we are inclined to grant anticipatory bail to him.

Accordingly, we direct that 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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

C.R.M. 11960 of 2017

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.

And

In Re : Aslam Ali Sk. @ Aslam Sk. petitioner

Mr. Kallol Mondal,
Ms. Amrita Chel

.....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

(Joymalya Bagchi, J.)

