

20.06.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2832 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **473** of **2021** dated **17.11.2021** under Sections 379/413/414 of the Indian Penal Code, 1860 read with Sections 11(1)(d)(e)(f) of the Prevention of Cruelty to Animals Act, 1960 and under Sections 47(a)/51/52/56 of Transport of Animals Rule, 1978.

And

In Re : Mokammel Hossain @ Mukammil Hussain & Ors.

..... petitioners

Mr. Kaustav Bagchi

Mr. Debayan Ghosh

....for the petitioners

Mr. Saibal Bapuli

Mr. S. Santra

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. No animal was recovered from the possession of the petitioners.

Learned advocate appearing for the State draws the attention of the Court to the statements of the eye witnesses recorded under Section 161 of the Code of Criminal Procedure.

Considering the fact that no animal was recovered from the possession of the petitioners and considering the materials in the case diary, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 further condition that the petitioners shall meet the Investigating Officer once in fortnight till the conclusion of the investigation and on condition that the petitioners shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)