

CRM No.7870 of 2021

Via video conference

06.01.22

(S.R.)

Sl.06

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Bandwan** Police Station Case No.34 dated 29/06/2021 under Sections 406/419/420/120B of the Indian Penal Code and adding Sections 468/471/472 of the Indian Penal Code (G.R. Case No.919 of 2021);

And

In re: Somnath Mahato

... petitioner.

Mr. Navanil De

Mr. R. Chakraborty

... for the petitioner.

Mr. Rudradipto Nandi

...for the State.

Mr. De, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. He has no nexus with the alleged offence. He has also complied with the Section 41A notice and as such, custodial interrogation is not warranted.

Mr. Nandi, learned advocate appearing for the State opposes the petitioner's prayer. However, in his fairness, he submits that initially an amount of Rs.29,000/- was credited to the account of the petitioner's wife but subsequently the same stood reverted to the main account.

Having heard the learned advocates and considered the materials in the case diary. It appears that the petitioner duly complied with the Section 41A notice. Considering the nature of allegations and the extent of complicity of the petitioner, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioner will 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure,

1973 with a further condition that the petitioners shall attend the learned trial court on all the dates specified for hearing.

It is further directed that the petitioners shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7870 of 2021 is, accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)