

10.02.2022

Court No.32
rpan/ **190**

C.R.M. 8398 of 2021

In Re:- An application for anticipatory bail under section 438 of the
Code of Criminal Procedure ;

And

In re: **Nemai Chandra Sana**

- Petitioner.

Mr. Sudip Ghosh Chowdhury,

Mr. Argha Das,

Mr. Abhishek Bose

... for the Petitioner.

Mr. Anowar Hossain,

Ms. Ratna Ghosh

... for the State.

Apprehending arrest in connection with Mogra Police
Station Case No.249 of 2021 dated 16.09.2021 under Sections
468/464/469/471/34 of the Indian Penal Code, the petitioner
has filed the present application.

Mr. Ghosh Chowdhury, learned advocate appearing for the
petitioner submits that the petitioner has been falsely
implicated. After the complaint was lodged, a notice under
Section 41A was served upon the petitioner and he has duly
complied with the same. He has also handed over all the
relevant documents to the Investigating Officer of the case.

Such fact has not been disputed by Ms. Ghosh, learned
advocate appearing for the State. She has also drawn our
attention to several documents in the case diary, including the
statements of the witnesses.

Having heard the learned advocates and considering the
materials in the case diary, the nature of accusations, the
possible extent of complicity of the petitioner in the alleged
offence and since he has cooperated with the investigation and

complied with Section 41A notice, we are of the opinion that custodial interrogation is not necessary. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Nemai Chandra Sana** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, with a further direction that he shall meet with the Investigating Officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 8398 of 2021, is, thus, 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.)