

31.01.2023
Serial no. 06
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 258 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **GR 1277/2022** arising out of **Lalgarh** Police Station Case No. **104** of **2022** dated **24.12.2022** under Sections **195A** of the Indian Penal Code.

-And-

In the matter of : **Sanjoy Saren**

... .. Petitioner

Mr. Soumyajit Das Mahapatra,
Ms. Madhupia Sinha, Advocates
... .. *For the Petitioner*

Mr. Neguive Ahmed, APP
Ms. Trina Mitra, Advocates
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was enlarged on bail by the High Court by an order dated October 18, 2022 in CRM(DB) 3577 of 2022. He submits that there was no occasion for the petitioner to threaten any of the witnesses or the de facto complainant as sought to be wrongly alleged. The petitioner is sought to be falsely implicated.

Learned advocate for the State draws the attention of the Court to the statement recorded under Section 164 of the Criminal Procedure Code. He submits that the petitioner threatened the de facto complainant and the same was witnessed by the person who recorded statement under Section 164 of the Criminal Procedure Code. He submits that despite issuance of notice under Section 41A of the Criminal Procedure Code, the petitioner did not respond thereto.

The petitioner was enlarged on bail by the police case involved under Section 302 of the Indian Penal Code, 1860 on October 18, 2022.

It is now alleged that the petitioner threatened the de facto complainant in relation to the previous police case of murder.

While granting bail to the petitioner in the police case relating to murder, a finding was returned by the High Court that the statement recorded under Section 164 of the Criminal Procedure Code seeking to implicate the petitioner in the case of murder was on the basis of the opinion of third parties.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 petitioner shall report before the Investigating Officer as and when called for till the conclusion of the investigation and on further condition that the petitioner shall appear on every date 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 258 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)