

28.03.2023

29

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1263 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Samserganj** Police Station Case No. **89** of **2023** dated **20.03.2023** under Sections 448/427/379/506/34 of the Indian Penal Code, 1860.

And

In Re : Bayron Biswas

..... petitioner

Mr. Milon Mukherjee

Mr. Usof Ali Dewan

Ms. Sreyashi Chatterjee

....for the petitioner

Mr. S. G. Mukherjee, learned Public Prosecutor

Mr. Rudradipta Nandy

Ms. Sonali Das

....for the State

Supplementary affidavit filed in Court be taken on record.

The police complaint includes one section of theft, which is non-bailable.

The articles allegedly stolen by the petitioner is yet to be identified. It is not identified in the police complaint. It is not identified till date.

The petitioner before us is an elected representative to the State Assembly.

It is the claim of the petitioner that, he is being falsely implicated for political reasons.

The materials in the case diary, at this stage, do not suggest requirement of custodial interrogation of the petitioner.

In such circumstances, we 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/-, 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 meet the Investigating Officer once a month till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)