

06.04.2023

22

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1471 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Salboni** Police Station Case No. **400** of **2022** dated **17.12.2022** under Sections 379/411/34 of the Indian Penal Code, 1860.

And

In Re : Dilbodh Mahata @ Dilbodh Mahato

..... petitioner

Mr. Kallol Mondal

Mr. Krishan Ray

Mr. Souvik Das

Mr. Ayan Mondal

Mr. Shamser Ansari

....for the petitioner

Mr. Rudradipta Nandy

Ms. Sonali Das

....for the State

Petitioner claims false implication due to political ideology.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

It is the claim of the State that, about 130 trees were felled from government vested land. It is on the strength of the 164 Cr.P.C. statement from where, the petitioner is sought to be implicated.

As noted above, the petitioner is not the owner of the land. There is an issue of false implication as claimed by the petitioner.

In such circumstances, we deem it appropriate 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/-, 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.)

