

15.06.2023
Sl. 123
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2250 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Barabani** Police Station Case No. **100 of 2021** dated **02.07.2021** corresponding to G.R. Case No. **1804 of 2021** under Sections **395/397** of the IPC and Sections **25/27** of the Arms Act.

And

In the matter of: **Md. Akhtar**

....petitioner.

Ms. Minoti Gomes
Mr. Kuntal Banerjee

...for the petitioner.

Mr. Madhusudan Sur, APP
Mr. Dipankar Paramanick

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed by them. From the materials on record no *prima facie* offence under Sections 413 and 414 IPC is made out, though *prima faice* offence under Section 412 IPC is made out. If we make a distinction between conscious possession and precarious possession, said offence *prima facie* is also not made out as the property in question, i.e., copper cables in burnt condition was lying in front of the shop of the petitioner who is stated to be running a mobile phone shop.
3. However, our view as aforesaid is tentative and it should not influence learned Trial Judge. It is fairly submitted at the Bar that there is no record of past criminal antecedent against the petitioner.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner and completion of investigation in the meantime, it is directed that the petitioner shall appear before the learned Chief Judicial Magistrate,

Paschim Bardhaman, Asansol within 15 days from today in connection with G.R. Case No. 1804 of 2021 arising out of Barabani P.S. case No. 100 of 2021 dated 02.07.2021. On his appearance and application for bail the petitioner shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

5. The learned Chief Judicial Magistrate is directed to act on the server copy of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 2250 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

