

11.07.2024
SL No.3
Court No.29
(gc)
(Allowed)

CRM (A) 2109 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kotwali Police Station Case No.18 of 2024 dated 14.01.2024 under Sections 427/386/34/120B of the Indian Penal Code and Sections 25/27 of the Arms Act.

And

In the matter of : **Sk. Parvez Kipria @ Sk Parvez Kibria**

- Petitioner.

Mr. Milon Mukherjee, Sr. Adv.,
Mr. Dattatreya Dutta,
Mr. Amit Ranjan Pati

....For the Petitioner.

Mr. Ranabir Roychowdhury,
Ms. Mamata Jana

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.
2. The learned Counsel for the State has produced the case diary and submits that the petitioner was one of the persons instrumental to the unauthorized demolition of three shop rooms with the help of other co-accused. The statement of the witnesses recorded under Section 161 of the Cr.P.C. has been referred to in this regard. Further it has been submitted that other co-accused similarly placed have been granted bail by the Coordinate Benches. It is also submitted that the victims have been rehabilitated by the Municipality.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and the victims have been rehabilitated and

also other co-accused persons have been granted bail by the Coordinate Benches, we are of the view that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sk. Parvez Kipria @ Sk Parvez Kibria**, shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioner shall meet the Investigating Officer twice in a week till the submission of the final report and shall not leave the jurisdiction of Paschim Midnapore without the permission of the Investigating Officer till the submission of the final report.
5. It is further directed that the present accused petitioner shall appear before the learned Chief Judicial Magistrate, Paschim Medinipur within two weeks from date and pray for regular bail.
6. 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.

7. Accordingly, the application for anticipatory bail is disposed of.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Sugato Majumdar, J.)