

29.07.2024
Court No.29
Item No. 35

Allowed

sg

CRM (A) 2509 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Asansol (South) Police Station Case No. 357 of 2023 dated 09.10.2023 under Sections 419/420/423/465/467/468/471/120B of the Indian Penal Code, pending before the learned Chief Judicial Magistrate, Asansol, Paschim Bardhaman.

And

In Re: **Bikram Garai**

Petitioner

Mr. Apurba Das
Mr. Arup Krishan Das
Mr. Sanjoy Ghosh

For the Petitioner

Ms. Amita Gaur
Ms. Sayani Dev Kumar

For the State

1. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.
2. The learned Counsel for the State, in opposing the prayer for anticipatory bail, has submitted that the petitioner is the one of the attesting witnesses.
3. Considering the fact that the one of the vendors is in custody and the nature and extent of complicity of the petitioner in the commission of alleged offence, we are of the view that the custodial interrogation of the present petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest the petitioner namely, **Bikram Garai**, shall be released on bail upon furnishing a bond of Rs.25,000/-, with two registered sureties of like amount each, one of whom

must be local, to the satisfaction of Arresting Officer, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita. The petitioner shall meet the I.O. once in a week till the submission of the final report and shall not leave the jurisdiction of District Paschim Bardhaman without the permission of I.O. till the submission of final report. The petitioner shall appear before the learned Chief Judicial Magistrate, Asansol, Paschim Bardhaman, in connection with G.R. Case No. 2891 of 2023 within two weeks from date.

5. In the event the petitioner fails to comply with any of the conditions as mentioned above, the trial court shall be at liberty to cancel their bail in accordance with law without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 2509 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)