

**02.09.2024**

Court No.29

Item No.19

ar

**CRM (A) 2820 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Petrapole Police Station Case No. 63 of 2024 dated 23.05.2024 corresponding to Special Case No. 70 of 2024 under Section 384 of the Indian Penal Code, 1860 read with Section 7 of the Prevention of Corruption Act.

And

In Re: **Sunny Bhiwal**

Petitioner

Mr. Sabyasachi Banerjee

Ms. Minal Palana

For the Petitioner

Mr. Joydeep Biswas

Mr. Atanu Ghosh

For the State

1. Pursuant to our earlier direction, the petitioner appeared before the Investigating Officer and has recorded his statement. The report of the I.O with the statement of the petitioner is produced before us and perused.
2. 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 having regard to the fact that the petitioner has categorically stated that the nature of his job on the date when the alleged incident took place and no disciplinary action has been initiated against the petitioner, which prima facie, shows that no incriminating materials available or found by his employer and he is still working as Inspector in the Headquarters (Law Section), Kolkata, W.B, we are of the view that custodial interrogation of the petitioner is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sunny Bhiwal** shall be released on bail upon furnishing a bond of

Rs.10,000/-, with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a week till the submission of the final report and on further condition that the petitioner shall appear before the **learned Judge, Special Court (Additional Sessions Judge) 3<sup>rd</sup> Court, Barasat, North 24 Parganas**, within two weeks from date in connection with **Special Case No. 70 of 2024**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

4. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Soumen Sen, J)**

**(Shampa Dutt (Paul), J)**