

05.09.2024
Court No.29
Item No. 58

Allowed
sg

CRM (A) 3123 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 Bowbazar Police Station Case No. 89 of 2024 dated 21.05.2024 under Sections 408/34 of the Indian Penal Code, pending before the learned Additional Chief Metropolitan Magistrate, Kolkata.

And

In Re: **Dilmahammad Khan @ Dinu Mutia**
Petitioner

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta
Ms. Reshmi Khatun

For the Petitioner

Mr. Ashok Das

For the State

1. We have heard the learned Counsel for the parties.
2. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of alleged offence and the nature of job the petitioner used to perform and that it appears from the record that Aftar is the principal accused who is presently in custody, we are of the view that custodial interrogation of the present petitioner is not necessary.
3. Accordingly, we direct that in the event of arrest the petitioner namely, **Dilmahammad Khan @ Dinu Mutia**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, 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. one in a fortnight till the submission of final report.

4. 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 his bail in accordance with law without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
6. 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.)