

26/11/2025
D/L - 44
Court No.28
S. Kundu
Allowed

C.R.M.(A) 3643 of 2025

In Re: An application for anticipatory bail under Section 482 of the BNSS, 2023. In connection with Malda P.S case no. 547 of 2023 dated 20.9.2023 under sections 379/411/413/414 of the IPC.

In the matter of: Mithu @ Mithun Sk @ Mithu Sekh

...Petitioner.

Mr. T. Gupta

...for the petitioner.

Mr. Arijit Ganguly
Ms. Debolina Das

...for the State.

1. Learned counsel appearing on behalf of the petitioner submits that the only material available against the petitioner is the statement of a co-accused, which is not admissible in evidence.
2. Learned counsel appearing for the State opposes the prayer for anticipatory bail. However, he submits that, as of now, the statement of the co-accused implicates the present petitioner. He is the member of a gang which steals mobile phones.
3. It appears that no notice was issued to the petitioner.
4. Considering the above and the fact that the mobile phones in question have already been seized, I do not think that custodial interrogation of the petitioner is required in this case and I am inclined to grant anticipatory bail to the petitioner.

5. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also be subject to further conditions that the petitioner shall cooperate with the investigation and shall not threaten or intimidate the witnesses. The petitioner shall meet the I.O once a week till submission of report in final form.
6. Accordingly, the application for anticipatory bail is allowed.
7. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with requisite formalities.

(Jay Sengupta, J.)