

50 27.03.2019
Aloke Court 28

C.R.M. 3304 of 2019

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 18.03.2019 in connection with Cooch Behar Kotowali P.S. Case No.136 of 2019 dated 27.02.2019 under Sections 399/402 of the Indian Penal Code read with Section 25(1-A)/27/35 of the Arms Act.

And

In the matter of: Nisith Pramanik

...Petitioner

Mr. Debasish Roy
Mr. Sudip Guha
Mr. Anindya Ghosh

... for the petitioner

Mr. Rudradipta Nandy

... for the State

Allowed

It is submitted on behalf of the petitioner that he was not present at the spot and has been falsely implicated in the instant case.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that petitioner had supplied arms to the accused persons who were arrested at the spot.

We have considered the materials on record and in view of the extent of complicity of the petitioner as transpiring from the statement of co-accused persons and as incriminating fire arms have already been seized, we are of the opinion though custodial interrogation of the petitioner is not necessary petitioner requires to cooperate with investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/-(Rupees Ten Thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and on condition that petitioner shall meet the investigating officer once in a week until further orders and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and he shall appear before the court below and pray for regular bail within a fortnight from date.

The application for anticipatory bail is, accordingly, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)