

Gour Hari Garai vs Unknown on 8 February, 2021

o8.02.2021 Item No.161 Ct.No.28 Subha Allowed C.R.M. 266 of 2021 (Via Video Conference) In Re :
An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And In the matter of : Gour Hari Garaipetitioner.

Mr. Debabrata Roy Mr. Prabir Majumder ... For the petitioner.

Mr. Ranabir Roy Chowdhury Mr. Rudradipta Nandy ... For the State.

Apprehending arrest in connection with Krishnagar Kotwali Police Station Case No. 850 of 2020 dated 09.11.2020 under Sections 379/411/272/273/34 of the Indian Penal Code and Section 63 of the Food Safety and Standards Act, 2006, the present application has been preferred.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner is the proprietor of an oil mill and he has been falsely implicated. His name has transpired on the basis of the statements of the co-accused persons, namely, Abu Taleb Mondal and Bidhan Ghosh, who have already been granted bail by the court below and in the said conspectus, custodial detention of the petitioner is not necessary.

Mr. Roy Chowdhury, learned advocate appearing for the State opposes the petitioner's prayer.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that the custodial detention of the petitioner is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, Gour Hari Garai shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM 266 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.) (Tapabrata Chakraborty, J.)