

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

26.08.2019
tkm/ct 1
sl no. 32

C.R.M. 682 of 2019

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 16.8.2019 in connection with Siliguri P.S case no. 162 of 2019 dated 12.3.2019 under sections 399/402 of the IPC and under section 25(1B)/27/35 of the Arms Act

And

Allowed

In Re : Pulak Das @ Gopal & Ors.

..... petitioners

Mr. A. R. Choudhury

..... for the petitioners

Mr. A. S. Chakraborty

Mr. A. Biswas

..... for the State

It is submitted on behalf of the petitioners that incriminating fire arms have already been recovered.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that custodial interrogation of the petitioners may yield further recovery.

We have considered the materials on record. We find complicity of the petitioner has transpired from the statement of co-accused before a police officer which is inadmissible in evidence.

Keeping in mind the aforesaid facts and circumstances of the case, we are of the opinion though custodial interrogation of the petitioners is not necessary, petitioners require to co-operate with investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the

conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the investigating officer once in a week while on bail until further orders and that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 682 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)