

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

22.08.2019

tkm/ct 1

sl no. 162

C.R.M. 723 of 2019

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 20.8.2019 in connection with Darjeeling Sadar P.S case no. 127 of 2017 dated 17.6.2017 under sections 147/148/149/323/324/326/333/353/436/427/307/302 of the IPC read with sections 3/4 of the prevention of Damage to Pubic Property Act read with section 8/9/15A/15B of the West Bengal Maintenance of Pubic Order Act 1972 read with sections 25/27/35 of the Arms Act

And

Allowed

In Re : Ram Prasad Waiba

..... petitioner

Mr. Y. J. dastoor, Sr. Adv.

Mr. A. Bhandari

Mr. U. Lama

Mr. P. Rai

..... for the petitioner

Mr. A. K. Sarkar

Ms. N. Das

..... for the State

It is submitted on behalf of the petitioner that he is not named in the FIR. It is further submitted there is no pressing necessity of arrest of the petitioner in the present case as he was not shown arrested in this case although he was in custody in another case for more than 70 days.

Learned lawyer for the State strongly opposes the prayer for anticipatory bail and submits that the petitioner has criminal antecedents.

We have considered the materials on record. We note that the petitioner has not been named in the FIR and no overt act has been attributed to him in the course of the alleged incident. Keeping in mind the extent of complicity of the petitioner in the alleged crime,

we are inclined to grant pre-arrest bail to the petitioner however, subject to strict conditions.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- 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 petitioner shall not leave the district of Darjeeling except for the purpose of investigation and attending the court proceedings until further orders.

The application being CRM 723 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)