

28.01.2020
RP/ct 1
sl no. 32
Allowed

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

C.R.M. 117 of 2020

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 24.01.2020 in connection with Naxalbari P.S. Case No.37 of 2019 dated 16.03.2019 under sections 379 of Indian Penal Code.

And

In Re : Krishna Darjee applicant

Mr. Arnab Sengupta
Mr. Deborshi Dhar

..... for applicant

Mr. Arun Sarkar
Mr. Abhijit Sarkar

.....for State

Mr. Sengupta, learned advocate appears on behalf of applicant and submits, his client is apprehending arrest in connection with Naxalbari P.S. Case no.37 of 2019 dated 16.03.2019 under section 379 in Indian Penal Code. The allegation is that his client cut and removed a Kadam tree from land of de facto complainant. Mr. Sarkar, learned advocate appears on behalf of State and hands up the case diary containing statements under section 161 of the Code.

We have perused the statements. We do not think custodial interrogation is necessary.

Applicant, in event of arrest, shall be released on anticipatory bail by furnishing bond of Rs.10,000/- (Rupees Ten-Thousand only) with two sureties of Rs.5,000/- (Rupees Five-thousand only) each, one of whom must be local, having landed property, to the satisfaction of Arresting Officer and shall be subject to the

condition, as in section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that applicant shall surrender before the Court below and obtain regular bail within a fortnight from date of this order.

The application for anticipatory bail is allowed.

(Arindam Sinha, J.)

(Biswajit Basu, J)