

28.01.2020

Sl. No.18

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Ct. No.1

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 1023 of 2019

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 13.11.2019 in connection with Alipurduar Police Station Case No.269 of 2019 dated 28.06.2019 under Sections 143/443/323/354/379/427/307/506 of the Indian Penal Code read with section 25(1)(a) / 27 of the Arms Act.

And

In Re: ***Mukundo Roy & Ors.***

... .. Applicants

Mr. Arnab Saha

.... For applicants.

Mr. Ujjal Luksom,
Mr. Sourav Ganguly

... for State.

This application for anticipatory bail is by three applicants out of 13, who did not find such bail from Sessions Judge on 15th July, 2019, in connection with Alipurduar Police Station Case no.269 of 2019 dated 28.06.2019 under sections 143/443/323/354/379/427/307/506 of Indian Penal Code read with section 25(1)(a) / 27 of Arms Act. Mr. Saha, learned advocate appears on behalf of applicants and submits, anticipatory bail be granted, which was earlier wrongly rejected by Sessions Judge. Mr. Ganguly, learned advocate appears on behalf of State and hands up the case diary drawing attention to complaint dated 28th June, 2019 and statements made under section 161 in Code of Criminal Procedure.

We have perused order dated 15th July, 2019 and materials in the case diary. We note from the order that as on date of making of it, there was no seizure. Co-accused / 10 persons found anticipatory bail on 15th July, 2019 and till now applicants have not been arrested.

We direct, applicants, 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 5,000/- (Rupees Five Thousand) 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 and on further condition that applicants shall surrender before the Court below and obtain regular bail within a fortnight from date of this order.

Criminal miscellaneous application, C. R. M. 1023 of 2019, is disposed of.

(Arindam Sinha, J.)

(Biswajit Basu, J.)