

SL. 44.
March 17, 2021.
MNS

CALCUTTA HIGH COURT
IN THE CIRCUMIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION

C.R.M. 60 of 2021

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on December 15, 2020 in connection with C. R. Case No. 427 of 2020 arising out of Lataguri Range, Jalpaiguri Division, O.R. No.83/LT of 2020-2021, dated October 30, 2020 under Sections 26(1)(c)/26(1)(f) of the Indian Forest Act read with Section 3 of PDPP Act.

And

In Re : Mastan Ali and others

... petitioners.

Ms. Zeenia Rudra,
Mr. Debasish Mukhopadhyay
... for the petitioners.

Mr. Niloy Chakraborty,
Mr. Sagnik Sankar Sikdar
... for the State.

Heard learned advocates appearing for the respective parties.

Learned counsel for the petitioners submits that the petitioners were not named in the First Information Report.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that a statement of a co-accused not given before a police officer, hence admissible in evidence, implicates the petitioners.

However, keeping in view the nature of the offences alleged and the materials on record, there is sufficient scope of granting the benefit of anticipatory bail to the petitioners.

Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

In the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 5,000/- each with one surety to the satisfaction of the enquiry officer. The petitioners shall comply with the conditions as stipulated in section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall report to the enquiry officer once every fortnight till the Prosecution Office Report (POR) is filed.

The application for anticipatory bail, being C.R.M. 60 of 2021, is accordingly disposed of.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)