

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

21.09.2021

Court No.01
rpan /45

C.R.M. 324 of 2021

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Raja Das**

- Petitioner.

Mr. Sudip Guha

... for the petitioner.

Mr. Abhijit Sarkar

Mr. Saikat Chatterjee

... for the State.

Apprehending arrest in connection with Dhupguri Police Station
Case No.354 of 2019 dated 14.09.2019 under Sections
379/411/413/414 of the Indian Penal Code, 1860 read with Section 3
of the Prevention of Damage of Public Property Act and read with
Sections 33/41 of the West Bengal Forest Produce Transit Rule, the
petitioner has filed the present application.

Mr. Guha, learned advocate appearing for the petitioner submits
that the petitioner has been falsely implicated. His name does not
feature in the FIR. Two co-accused persons, who were arrested on the
spot, have already been enlarged on bail by the learned court below.
Upon completion of investigation, charge-sheet has already been
submitted and in view thereof, custodial interrogation of the petitioner
is not necessary, more so when his name has transpired on the basis
of the statement of a co-accused person.

The learned advocate appearing for the State opposes the
petitioner's prayer and draws our attention to the statements of the
witnesses, as recorded under Section 161 of the Code.

Having heard the learned advocates and considering the materials in the case diary, nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner **Raja Das** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is made clear that that the petitioner shall attend the trial court on all the dates, as specified for hearing, and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM 324 of 2021 is allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)