

35
16.03.2021
BPG

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Criminal Miscellaneous Jurisdiction**

**CRM 327 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Kalchini Police Station Case No.137 of 2016 dated 25.08.2016 under Sections 447/379/427/186/353/324/326/307 of the Indian Penal Code, 1860 read with Section 26 of the Indian Forest Act, 1927.

And

In the matter of: Sunil Khariya @ Sunil Kharia
.... Petitioner

Mr. Arnab Saha

... For the Petitioner

Mr. Tapan Bhattacharjee,
Ms. Narmata Das

...

For the State

Learned counsel for the petitioner submits that three other co-accused with the petitioner have already been enlarged on bail. It is further submitted that the petitioner was incriminated on the basis of the petitioner having been named by other co-accused persons which, according to him, is inadmissible in evidence.

Learned counsel for the State opposes the prayer for anticipatory bail.

However, from a perusal of the seizure list as well as the other materials in the case diary, it *prima facie* appears that no clinching evidence is existent against the petitioner, sufficient to put the petitioner in incarceration.

Accordingly, the prayer for anticipatory bail of the petitioner is granted on condition that the petitioner shall not leave the territorial jurisdiction of the trial court and shall not commit any offence of the nature of which the petitioner is suspected and the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the court or to any police officer or tamper with the evidence.

In the event the petitioner is arrested, he shall be released immediately upon furnishing a bond of Rs.10,000/- with two sureties of like amount each to the satisfaction of the arresting officer.

The application for anticipatory bail, being CRM 327 of 2021 is allowed accordingly.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)