

24.12.2021
SL No.2
Court No.1
(PJ/SK)
Allowed

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 491 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kalimpong Police Station Case No. 170 of 2020 dated 28.08.2020 under Section 505(2) of the Indian Penal Code, 1860 (G.R. Case No. 236/2020).

And

In the matter of : **Upendra Mani Pradhan**

- Petitioner.

Mr. Anand Bhandari,
Mr. Urgan Lamar

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, APP,
Mr. Saurav Ganguly

... For the State.

In terms of the earlier order dated September 28, 2021, the petitioner appeared before the Investigating Officer of the case and has cooperated with the investigation.

We have considered the materials available in the Case Diary and the nature and extent of complicity of the petitioner in the commission of the alleged offence, we are of the view that custodial interrogation of the petitioner is not necessary.

As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Upendra Mani Pradhan**, 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 on condition that the petitioner shall meet the I.O. once in a month until further orders and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain valid for six weeks from this date within which time, the petitioner shall surrender and obtain regular bail from the Court of the Learned Trial Judge. We make it clear that the Learned Judge while deciding the application for grant of regular bail shall take a decision independent with the observations made by us in this order.

The application for anticipatory bail, being CRM No.491 of 2021 is, thus, disposed of.

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

(Biswajit Basu, J.)

(Soumen Sen, J.)