

14.12.2021
SL No.22
Court No.1
AJ

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

**CRM 875 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 Samuktala Police Station Case No.48 of 2021 dated 08.03.2021 under Sections 376(1)/506 of the Indian Penal Code, 1860.

And

In the matter of : **Mohan Debnath @ Ramlal Krishna Nath.**
... .petitioner.

Mr. Hillol Saha Podder.
... For the Petitioner.

Mr. Arun Kumar Sarkar,
Mr. Tapan Bhattacharjee.
... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Having considered the materials available on record and the nature of complicity of the petitioner in the commission of alleged offence, we are of the opinion that the 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 shall be released on anticipatory 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 and on further condition that the petitioner shall not leave the jurisdiction of the Samuktala Police Station without the express leave of the Investigating Officer and shall meet the Investigating Officer once in a week till the charge sheet is filed.

This order shall valid for a period of six weeks from date within which the petitioner shall obtain regular bail from Additional Chief Judicial Magistrate, Alipurduar.

The application for anticipatory bail, being CRM No.875 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.)