

14.12.2021
SL No.35
Court No.1
(gc)

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

**CRM 1059 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 GR Case No.1139 of 2020 arising out of Dhupguri Police Station Case No.102 of 2020 dated 15.03.2020 under Section 399/402 of the Indian Penal Code, 1860 read with Section 25/28 of the Arms Act.

And

In the matter of : **Amjadul Hoque**

- Petitioner.

Ms. Madhushri Dutta,
... For the Petitioner.

Mr. Abhijit Sarkar,
Mr. Biswarup Roy,
... For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated on the basis of the statement of a co-accused which is inadmissible in evidence.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail. However, it is submitted that no weapon has been recovered from the present petitioner.

Having regard to the materials on record and the nature and extent of complicity of the petitioner in the commission of alleged offence and also having regard to the fact that the petitioner has been implicated on the basis of a statement of a co-accused which

is inadmissible in evidence, we are inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail is, accordingly, allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Amjadul Hoque**, 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 further directed that the petitioner shall meet the I.O. of the case once a week until further order.

The application for anticipatory bail, being CRM No.1059 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.)