

14.12.2021
SL No.54
Court No.1
(gc)

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

**CRM 1126 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 Dinhata Police Station Case No.975 of 2015 dated 27.07.2015 under Sections 399/402 of the Indian Penal Code and under Section 25(1A)/27/35 of Arms Act, 1959.

And

In the matter of : **Abdul Sattar Mia @ Sattar Miya**

- Petitioner.

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

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Sourav Ganguly,
... For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and the name of the petitioner transpired during the interrogation of the co-accused persons.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the petitioner has been named in the FIR and the charge-sheet has been filed against the petitioner as well.

Having regard to the materials available 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 was not named in the FIR and his name transpired

during the interrogation of the co-accused persons which is, prima facie, not admissible evidence, we are inclined to grant anticipatory bail to the petitioner. The prayer for anticipatory bail is, thus, allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Abdul Sattar Mia @ Sattar Miya**, 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.

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

The application for anticipatory bail, being CRM No.1126 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.)