

17.12.2021
SL No.20
Court No.1
(gc)

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

**CRM 1140 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 Boxirhat Police Station Case No.87 of 2021 dated May 4th, 2021 under Sections 186/188/353/332/283/307/427/34 of the Indian Penal Code and read with Section 3 of the Prevention of Damage to Public Property Act, 1984 and Section 9 of the West Bengal Maintenance of Public Order Act, 1972.

And

In the matter of : **Alimuiddin Miah & Ors.**

- Petitioners.

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

Mr. Nilay Chakraborty,
Mr. Biswarup Roy,
... For the State

The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted on behalf of the petitioners that Motaleb Miah is on bail.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and it is submitted that, save and except the petitioner No.3, all other petitioners are named in the FIR.

Having regard to the materials available on record and bearing in mind the nature and extent of complicity of the

petitioners in the commission of alleged offence and also having regard to the fact that one of the accused persons are on bail, we are inclined to grant anticipatory bail to the petitioners. The prayer for anticipatory bail is, thus, allowed.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/-each, 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 petitioners shall meet the I.O. once in a week until further orders.

The application for anticipatory bail, being CRM No.1140 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.)