

20.12.2021
Court No.01
Item No. 46

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

**CRM 1192 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Pundibari Police Station Case No. 328 of 2021 dated 15.07.2021 under Sections 25(1-B)/27/35 of the Indian Penal Code.
And

In Re: **Sanjay Barman**

Petitioner

Mr. Sourav Ganguly
Mr. Kallol Nag

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 in the instant case due to political rivalry. The learned Counsel further submits that one of the co-accused persons, namely, **Amalesh Roy @ Appu @ Amaresh Barman** was granted bail by the learned Additional Chief Judicial Magistrate.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the petitioner is the FIR named person.

Having considered the materials available in the case diary 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 one of the co-accused persons, namely, **Amalesh Roy @ Appu @ Amaresh Barman** was granted bail, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sanjay Barman**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and the petitioner shall not leave the jurisdiction of the Pundibari Police Station without the expressed leave of the learned Chief Judicial Magistrate, Cooch Behar, until further order.

The application for anticipatory bail is allowed and CRM 1192 of 2021 is accordingly, 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)