

13.
11-01-2022
(ct. no.01)
debajyoti
(allowed)

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 33 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Phansidewa Police Station Case No.578 of 2020 dated 15-12-2020 under Sections 379/411/34 of the Indian Penal Code and read with Sections 14/14A/14C of the Foreigners Act.

- A n d -

In the matter of : Saibul Md @ Md Saiful

.... Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Ujjwal Luksom,
Mr. Biswarup Roy

... For the State.

The petitioner says that he has no involvement in the alleged offence. He has been charged on the basis of statements made by co-accused persons who were arrested and subsequently, granted bail. Three buffaloes were seized from the co-accused persons. There was no recovery from the petitioner. Charge Sheet has already been filed.

The State vehemently opposes the prayer for anticipatory bail.

The petitioner also points out that a co-accused person was granted anticipatory bail by this Court by an order dated January 03, 2022 in CRM 1281 of 2021. We find from the material on record that the present petitioner stands on the same footing as the person who was granted anticipatory bail in CRM 1281 of 2021.

In view of the aforesaid, we are inclined to allow this application for anticipatory bail.

Accordingly, in the event of arrest, the petitioner, namely, **Saibul Md @ Md Saiful**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and on further condition that the petitioner shall meet the Officer-in-Charge of the concerned police station once in a week until further orders. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference of this Court.

The application for anticipatory bail being CRM(A) 33 of 2022 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)