

42.  
14-01-2022  
(ct. no.01)  
debajyoti  
(allowed)

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

**(Via Video Conference)**

**CRM(A) 54 of 2022**

**In re:** An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No.515 of 2018 dated 23-11-2018 under Sections 143/146/325/326/307/506/34 of the Indian Penal Code.

- A n d -

**In the matter of : Sabu Alam**

.... Petitioner.

Mr. Tanmoy Basu,  
Mr. Swarup Das

... For the Petitioner.

Mr. Kallol Acharjee,  
Ms. Namrata Das

... For the State.

The petitioner is one of fifteen accused persons. He is the accused no.15. His name does not appear in any of the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. He says that he has no complicity in the alleged offence. He is prepared to cooperate with the Investigating Officer.

The State produces the Case Diary and opposes the prayer for anticipatory bail.

We have considered the material on record. *Prima facie*, we do not find any incriminating material against the petitioner.

On an overall assessment of the facts and circumstances of the case and the evidence on record, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Sabu Alam**, 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 Investigating Officer once in every fortnight until completion of investigation. 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) 54 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.)**