

17.02.2022
JP Item no. 07
Court No.32
Avijit Mitra

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side
Through Video Conference**

C.R.M. (A) No. 99 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Md. Chand @ Md. Siraj Alam

.... petitioner

Mr. Sanjib Bandyopadhyay,
Mr. Ashok Kumar Singh,
Ms. Suchitra Chakraborty

....for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

..... for the State

Apprehending arrest in connection with Jalpaiguri Police Station Case No.1305 of 2020 dated 03.11.2020 under Sections 411 & 414 of the Indian Penal Code, the present application has been preferred.

Mr. Bandyopadhyay, learned advocate appearing for the petitioner submits that the petitioner has been roped in on the basis of mere suspicion. He had no involvement in the alleged offence. His name has transpired on the basis of co-accused's statement. In the said conspectus, custodial interrogation may not be necessary and the petitioner may be granted anticipatory bail on any condition.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary wherefrom it appears that

the vehicle was seized which was being driven by one Meraj Alam. Answering our query, Mr. Chakraborty submits that the statement of the said Meraj Alam was recorded under Section 161 of the Code.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the petitioner's name has transpired on the basis of co-accused's statement and in view of paucity of materials in the case diary indicating direct involvement of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Md. Chand @ Md. Siraj Alam**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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 with a further direction that the petitioner shall meet with the Investigating Officer of the case once a week till investigation is complete.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable

cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No.99 of 2022 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)