

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL APPELLATE JURISDICTION**

06.09.2022
Sl. No. 20
k.b. /b.r.
Crt.1
granted

CRM(A) 414 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kumargram P.S. Case No. 171 of 2022 dated 14.05.2022 under Sections 186/353/506/34 of the Indian Penal Code corresponding with G.R. Case No. 1124 of 2022.

And

In the matter of: **Sujan Sarkar**

....Petitioner.

Mr. Hillol Saha Poddar
Ms. Musumi Das

...for the Petitioner.

Mr. Kallol Acharya
Mr. Biswaroop Roy

.....for the State.

This is an application for grant of anticipatory bail in connection with Kumargram P.S. Case No. 171 of 2022 dated 14.05.2022 under Sections 186/353/506/34 of the Indian Penal Code corresponding with G.R. Case No. 1124 of 2022 pending before the Court of Learned Additional Chief Judicial Magistrate, Alipurduar.

Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case and the petitioner is in no way connected with the alleged offence.

Learned Counsel for the petitioner submits that out of four accused, police has arrested three accused persons and all three accused have been granted bail by the learned Court below.

Learned Counsel for the petitioner submits that the police has completed the investigation and submitted charge sheet. Learned Counsel for the petitioner submits that as the police has completed the investigation, there is no requirement of custodial interrogation of the petitioner.

Per contra, learned Public Prosecutor submits that the petitioner is avoiding arrest since the initiation of the instant case.

The police has made several endeavour to arrest the petitioner but the petitioner is avoiding the arrest.

Learned Counsel for the State submits that the petitioner is required for further investigation and custodial interrogation is very much required.

Learned Counsel for the State further submits that if the petitioner is granted anticipatory bail there is every chance of hampering and tampering with the evidence.

Considered the rival submissions of the parties, we find that the case has been initiated in the month of May, 2022 and out of four accused persons three accused persons have been arrested by the police and they were granted bail by the Ld. Court below. Police has completed the investigation and charge sheet has been submitted.

This Court is of the view that as the investigation is completed and submitted charge sheet there is no requirement of the petitioner for custodial interrogation.

In view of the above, CRM(A) 414 of 2022 is allowed.

The petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties out of which

one must a local surety of like amount, to the satisfaction of the Ld. ACJM, Alipurduar subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall not hamper or tamper with the evidence. The petitioner shall appear before the Court below on each and every date of hearing.

CRM (A) 414 of 2022 stands disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Krishna Rao J.)

(Subrata Talukdar, J.)