

06.09.2022

Item No.29

Ct.No.01

F.B/gsd

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M (A) 444/2022

In Re: An application for Anticipatory bail under Section 438 of Cr.P.C in connection with the Siliguri Police Station Case No. 603 of 2022 dated 28th June, 2022 under Sections 399/402 of the Indian Penal Code, 1860.

In the matter of : **Jiten Barai @ Jiten Barui**

... Petitioner.

Mr. H.S. Poddar

... For the Petitioner.

Mr. Abhijit Sarkar

Ms. Namrata Das

... For the State.

Party/parties is/are represented in the order of their name/names as printed above in the cause-title.

This is an application for grant of anticipatory bail in connection with the Siliguri Police Station Case No. 603 of 2022 dated 28th June, 2022 under Sections 399/402 of the Indian Penal Code.

Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case.

It is further submitted that the petitioner was neither present at the spot at the odd hours nor anything was seized from the petitioner.

It is further submitted that the petitioner's name has been incorporated in the case only on the basis of the alleged statement of the co-accused persons.

Learned Counsel for the petitioner further submits that the other co-accused, who have been arrested, have been enlarged on bail.

Learned Counsel for the State submits that the petitioner is avoiding arrest and is not cooperating with the investigating agency. Since after the registration of the case, the police has made several endeavour to arrest the petitioner or the petitioner is avoiding arrest.

Learned Counsel for the State submits that custodial interrogation of the petitioner is very much necessary to complete the investigation.

Perused the case diary and the materials on record.

This Court also finds that three other accused persons were arrested and subsequently they have been enlarged on bail.

This Court also finds that nothing was seized either from the arrested accused persons or there is any allegation that the petitioner has taken away any stolen property.

Accordingly, the prayer for anticipatory bail of the petitioner is **allowed.**

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/-(Rupees Twenty Thousand only) with two sureties each to the satisfaction of the Learned ACJM, Siliguri 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 and on further condition that the petitioner shall meet the Investigating Officer twice in a week until Charge-sheet is filed and shall not leave the jurisdiction of the Siliguri P.S. without the permission of the Investigating Officer.

CRM(A) 444 of 2022 is **disposed of** accordingly.

All parties are to act on a server copy of this order from the official website of this court.

Urgent Prostate certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J.)