

03.01.2022

Item no.6.

Court No.1.

AB

(Allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM No. 1281 of 2021

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 read with Section 14A/14C of the Foreigners Act

And

In the matter of: Md. Taribuddin @ Md. Tori

.....Petitioner.

Mr. Hillol Saha Poddarfor the Petitioner.

Mr. A. S. Chakraborty, Id. APP

Mr. Biswaroop Royfor 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 were subsequently granted bail. Three buffalos were recovered from the co-accused persons. There was no recovery from the petitioner. Charge sheet has already been filed.

The State says that the petitioner is absconding and hence, he could not be interrogated.

The fact remains that charge sheet has been filed. We have also perused the material in the case diary. On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial

interrogation of the petitioner may not be necessary so long as he cooperates with further investigation, if any.

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

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.1281 of 2021 is, thus, allowed.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)

