

AD-257
Ct No.01
Jalpaiguri
03.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 20 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **03.01.2023** in connection with **Kuchlibari** Police Station Case No. **119** of **2021** dated **30.12.2021** under Sections **14(A)/14(C) of Foreigners Act.**

And

In the matter of: **Md. Rehmad Ali @ Maqbool and others**

.... petitioners

Mr. Biswarup Roy

... for the petitioners

Mr. Niloy Chakraborty,
Mr. Tapan Bhattacharjee

... for the State

The petitioners contend that the allegation against them was that they had helped the principal accused persons to cross the border into India and have been implicated under the Foreigners Act.

Learned counsel for the State opposes the prayer for anticipatory bail.

We find from the submissions of the parties and the materials that in view of the nature of the allegation levelled against the petitioners, the petitioners need not be taken in custody at the present juncture.

Accordingly, CRM (A) 20 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioners shall be released on bail upon furnishing bonds of Rs.5,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj. The sureties may be common in respect of all the petitioners. The petitioners shall not leave the territorial jurisdiction of the concerned police station during the entire period of investigation and shall meet the Investigating Officer once a fortnight during the period of investigation.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)