

11.05.2023
PP (15)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (A) 234 of 2023

In the Matter of : Manoj Chhetri @ Manoj Kumar Chhetri @
Manoj Kumar Chhetri

.... Petitioner.

Ms. Rima Sarkar

....for the petitioner.

Mr. Nilay Chakraborty,

Mr. Saikat Chatterjee.....For the State.

1. This is an application under the provisions of Section 438 of the Code of Criminal Procedure, 1973 (in short, Cr.P.C.) made by the petitioner on the apprehension of being arrested in connection with Kharibari Police Station Case No. 32 of 2023 dated 7th February, 2023 under Section 420 of the Indian Penal Code, 1860 (in short, IPC) read with Sections 63/65 of copyright Act corresponding to G. R. Case No.422 of 2023 pending before the court of the learned Chief Judicial Magistrate at Siliguri.

2. The complaint has been registered on 7th February, 2023. There is no recovery from the petitioner. No notice under Section 41A of the Cr. P. C. has also been issued to the petitioner, despite three months have elapsed in

between. The nature of the allegation coupled with non-recovery of any article from the petitioner and that the Investigating Officer (I.O.) did not find it necessary to issue notice under Section 41A of Cr. P. C. persuade us to form an opinion that custodial interrogation is not necessary for the progress of the investigation.

3. We accordingly allow this application for anticipatory bail on the following terms:

(a) We direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of like amount each, to the satisfaction of the Arresting Officer.

(b) The petitioner will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

4. We impose further conditions that:

(a) The petitioner/petitioners shall immediately deposit their passports, if they possess one, with the investigating officer.

(b) The petitioner/petitioners shall appear before the investigating officer for interrogation as and when summoned.

(c) The petitioner/petitioners shall not leave the limits of the district Darjeeling without informing the investigating officer of the details of their whereabouts.

(d) The petitioner/petitioners shall not tamper with evidence or interfere with the witnesses in any manner.

(e) The petitioner/petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail CRM(A) 234 of 2023 is disposed of.

(Ananya Bandyopadhyay, J.)

(Arindam Mukherjee, J.)