

06.6.2023

Sl. No.78

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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (A) 250 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kharibari Police Station Case No. 399 of 2022 dated 25.12.2022 under Sections 468/471/420/34 of the Indian Penal Code read with Section 7(3) of Lottery (Regulation) Act, 1998.

And

In Re: ***Shyam Sahani***

... .. Petitioner

Mr. Anirban Banerjee

... .. for the petitioner

Mr. Kallol Acharjee

Mr. Saikat Chatterjee

... .. for the State

Heard the learned Advocates appearing for both the parties.

Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle and he is in no way involved in the commission of the alleged offence. In fact, the principal accused Kartic is absconding. The name of Kartick transpired during the interrogation of the driver of the vehicle. The driver of the vehicle is on bail.

Learned counsel appearing on behalf of the State opposes the prayer for bail. It is submitted that the vehicle is owned by the petitioner and he cannot avoid the responsibility as fake lottery tickets were recovered from the said vehicle.

Learned counsel for the petitioner has in all fairness submitted that the notice under Section 41A Cr.P.C has not been issued to the petitioner.

Having considered the materials in the case diary and the involvement of the petitioner in the commission of alleged offence, we are of the view that the custodial interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Shyam Sahani***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also 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 meet the Investigating Officer twice in a month or as and when required until the charge-sheet is filed and shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this court.

(Raja Basu Chowdhury, J.)

(Soumen Sen J.)