

09.06.2023
Court No.01
Item No. 41
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

CRM (A) 297 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mekhliganj Police Station Case No. 327 of 2022 dated 02.10.2022 under Sections 14A/14C of the Foreigners Act.

And

In Re: **Dulal Ray @ Dulal Roy**

Petitioner

Mr. Hillol Saha Poddar

Ms. Mousumi Das

For the Petitioner

Mr. Nilay Chakraborty

Ms. Sukanya Adhikary

For the State

The learned Counsel for the petitioner submits that the petitioner is a resident of India and his name transpired from the statement made by the co-accused before the Police Officer. It is further submitted that the petitioner is innocent.

The learned Counsel for the State, however, submits that the petitioner is absconding and opposes the prayer for anticipatory bail.

Considering the materials available in the case diary and the name of the petitioner transpires from the statement made by the co-accused person before a Police Officer which is inadmissible in evidence and in view of the fact that the charge-sheet has already been submitted, we are of the view that the custodial interrogation of the petitioner is not required and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.5,000/-, with two sureties of like

amount, one of whom must be local, to the satisfaction of the Arresting Officer and also comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall co-operate with the investigation and he shall meet the IO twice in a week or as and when he is asked to meet and shall not leave the jurisdiction of the jurisdictional court. The petitioner shall also surrender before the court below within four weeks from date and obtain regular bail.

In default of complying with any of the conditions mentioned above, the trial court shall be at liberty to cancel the bail without any further reference to this Court.

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

CRM (A) 297 of 2023 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)