

09.6.2023

Sl. No.64

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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (A) 320 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kalchini Police Station Case No. 195 of 2022 dated 05.12.2022 under Sections 419/420/193/182/120B of the Indian Penal Code.

And

In Re: ***Pasang Lama @ Passang Lama***

... .. Petitioner

Mr. Anirban Banerjee

... .. for the petitioner

Mr. Kallol Acharjee

Mr. Arjun Chowdhury

... .. for the State

Heard the learned Advocates appearing for both the parties.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated. It is further submitted that the notice under Section 41A of the Code of Criminal Procedure has not been served upon the petitioner.

Learned counsel appearing on behalf of the State opposes the prayer for bail, however, admits that no notice under Section 41A of the Code of Criminal Procedure has been served upon the petitioner.

Having considered the involvement of the petitioner in the commission of alleged offence and no notice under Section 41A of the Code of Criminal Procedure has been served upon the petitioner, 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 be released on bail upon furnishing a bond of Rs.5,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, 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 once in a week till the charge-sheet is filed and co-operate with the investigation and on further condition that the petitioner shall not leave the jurisdiction without the permission of the jurisdictional court and shall surrender before the court below within four weeks from date and pray for regular bail.

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.)