

13.06.2023
SL No.12
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 358 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed 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 the matter of : **Najir Haq**

- Petitioner.

Mr. Subham Gupta,
Mr. Reshab Kumar,
Mr. Rajkumar Mitra

... For the Petitioner.

Mr. Nilay Chakraborty,
Mr. Biswarup Roy

... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.

The learned Counsel for the State in opposing the prayer for anticipatory bail submits that the name of the petitioner transpired from the statement made by the co-accused persons before the Police Officer and recorded under Section 161 of the Cr.P.C.

Considering the materials available in the case diary and the fact that the name of the petitioner transpired from the statement made by the co-accused persons and that the charge-sheet has already been filed and the fact that the petitioner has filed an

application for discharge and in the charge-sheet the Investigating Officer has stated that no such evidence could be found against the petitioner, we are of the view that the petitioner is entitled to 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/-, 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 appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the jurisdictional Court without express leave of the Court.

Accordingly, the application for anticipatory bail is allowed and 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.)