

13.06.2023
SL No.13
Court No.1
(gc)
(Allowed)

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

CRM (A) 360 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kuchlibari Police Station Case No.01 of 2022, dated 01.01.2022 under Sections 14A/14C of the Foreigners Act.

And

In the matter of : **Bapi Dabnath & Ors.**

- Petitioners.

Mr. Subhasish Misra,
Mr. Swarup Das,
Mr. Bablu Mitra

... For the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Biswarup Roy

... For the State.

The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.

The learned Counsel for the State in opposing the prayer for anticipatory bail submits that the petitioners were middle men and they had given shelter to the Bangladesi nationals.

Considering the materials available in the case diary and the fact that the names of the petitioners transpired from the statement made by the co-accused persons and the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest, the accused/petitioners be released on bail upon furnishing a bond of Rs.10,000/- each, 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 petitioners 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.)