

15.6.2023

Sl. No.37

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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (A) 394 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pundibari Police Station Case No. 86 of 2023 dated 12.02.2023 under Sections 399/402 of the Indian Penal Code, 1860 read with Sections 25(1-A)/27/35 of the Arms Act, 1959.

And

In Re: **Sayon Haque @ Lotus**

... .. Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

... .. for the petitioner

Mr. Nilay Chakraborty
Mr. Aniruddha Biswas

... .. for the State

1. Heard the learned Advocates appearing for the parties.

2. Learned counsel appearing for the petitioner submits that the co-accused persons are on bail and his name transpired from the statement made by the co-accused persons.

3. Learned counsel appearing for the State in opposing the prayer for anticipatory bail has submitted that the present applicant is the king pin of the gang.

4. Having considered the materials available in the case diary and the fact that the co-accused persons are already on bail and the name of the petitioner transpired from the statement of the co-accused persons, we are of the view that the custodial interrogation of the

accused/petitioner may not be necessary and he may be granted anticipatory bail.

5. Accordingly, we direct that in the event of arrest, the accused/petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount, 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.

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

7. 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.)