

15.6.2023

Sl. No.38

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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (A) 395 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Phansidewa Police Station Case No. 72 of 2023 dated 23.02.2023 under Sections 14A/14C of the Foreigners Act, 1946.

And

In Re: ***Taribuddin Mahammad@ Tari***

... .. Petitioner

Mr. Hillol Saha Podder

Ms. Mousumi Das

... .. for the petitioner

Mr. Abhijit Sarkar

Mr.Subhasish Misra

... .. for the State

1. Heard the learned Advocates appearing for the parties.

2. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated.

3. Learned APP appearing for the State in opposing the prayer for anticipatory bail has submitted that the statement recorded under Section 161 of the Cr.P.C directly implicated the petitioner and he is providing shelter to the foreign national secretly.

4. Having considered the materials available in the case diary, the statement of the independent witness corroborating the case in the F.I.R and the charge-sheet has already been filed, 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 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.)