

15.6.2023

Sl. No.39

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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (A) 396 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kuchlubari Police Station Case No. 08 of 2021 dated 13.02.2021 under Sections 379/411 of the Indian Penal Code read with Section 14(A)/14(c) of the Foreigners Act.

And

In Re: ***Bablu Md.***

... .. Petitioner

Mr. Sourav Ganguly

... .. for the petitioner

Mr. Biswarup Roy

... .. 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 counsel appearing for the State in opposing the prayer for anticipatory bail has submitted that on the basis of the statement of the co-accused persons the petitioner has been apprehended.

4. Having considered the materials available in the case diary, the charge-sheet has been filed and the fact that the petitioner was not named in the F.I.R and his name transpired from the statement made by the co-accused persons to a police officer during evidence, 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.)