

16.06.2023
SL No.27
Court No.1
ar
(Allowed)

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

CRM (A) 433 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.60 of 2022, dated 12.02.2022 under Sections 379/411 of the Indian Penal Code read with Section 11(1)(d) of Prevention of Cruelty of Animal Act.

And

In the matter of : **Mahade Ghosh @ Mahadeb Ghosh**

- Petitioner

Mr. Joydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar

... For the Petitioner

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

... For the State

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

2.The learned Counsel for the State in opposing the prayer for anticipatory bail submits that the petitioner is the owner of the pickup van by which cattles sought to be transported to Bangladesh were recovered.

3.Considering the materials available in the case diary and that no notice under Section 41A of the Cr.P.C. has been served upon the petitioner and the involvement of the petitioner in the

commission of alleged offence and on an undertaking given by the petitioner that he shall meet the Investigating Officer once in a week or as and when directed and shall cooperate with the investigation, we are of the view that the custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the accused/petitioner be released on bail upon furnishing a bond of Rs.10,000/-, 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 meet the Investigating Officer once in a week or as and when directed and 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.

5. Accordingly, the application for anticipatory bail is allowed and disposed of.

6. 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.)