

59. 03.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 446 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Kalimpong Police Station Case No. 223 of 2017** dated **20/08/2017** under Sections **120B/121/121A/122/326/307/302/427** of the Indian Penal Code, 1860 read with Sections **3 & 4** of the Explosive Substances Act, Sections **3 & 4** of the Prevention of Damage to Public Property Act, 1984 and Sections **8/9/15A/15B** of the West Bengal Maintenance of Public Order Act, 1972.

And

In the matter of: - **Sunil Chandra Pradhan @ Sunil Pradhan & Anr.**

...petitioners.

Mr. Subham Gupta, Adv.

...for the petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Sourav Ganguly, Adv.

...for the State.

The petitioners are two out of several accused persons. They say that several other accused persons have been granted anticipatory bail. They stand on the same footing.

This is not disputed by learned Advocate for the State.

Accordingly, on the ground of parity and also that charge-sheet has already been submitted we are of the view that custodial interrogation of the petitioners may not be necessary so long as they co-operate with the investigation.

Accordingly, in the event of arrest, the petitioners, namely, **Sunil Chandra Pradhan @ Sunil Pradhan** and **Lopsong Yolmo @ Lopsang Lama @ Yelmo** shall 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, until further orders and on further condition that within twenty one days from the date of obtaining a certified copy or a server copy of this order, whichever is earlier, the petitioners shall appear before the learned Chief Judicial Magistrate, Kalimpong.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM (A) 446 of 2023 is thus allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)