

06.07.2023
Item no.53
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) No.488 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.329 of 2021 Dated 15.7.2021 under Sections 448/387/367/506/34 of the Indian Penal Code read with Section 25(1B)/27/35 of the Arms Act

And

In the matter of : Rajib Thakur @ Rajiv Thakur

.....Petitioner.

Mr. H. S. Poddar,
Ms. Mousumi Dasfor the Petitioner.

Mr. A. S. Chakraborty, ld. APP,
Mr. Subhasish Misrafor the State.

Heard learned Advocate for the petitioner and the learned Advocate for the State.

It is contended on behalf of the petitioner that considering that the allegation as made out in the first information report is not at all true and also considering the fact that investigation has already been completed the present application for anticipatory bail may be considered favourably.

Learned Advocate for the State opposes the prayer for anticipatory bail.

On perusal of the entire material in the case diary, it appears that the present accused petitioner's name is transpiring in the statements of the witnesses as recorded under

Section 161 Cr.P.C. However, considering the fact that investigation is stated to have been completed in the meantime, we are inclined to allow the prayer of the petitioner for anticipatory bail.

Accordingly, in the event of arrest, the petitioner, namely Rajib Thakur @ Rajiv Thakur shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the present accused petitioner shall appear before the learned Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. until further orders.

In case the petitioner fails 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 C.R.M. (A) No.488 of 2023 is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)

