

44. 12.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE
CRM (A) 509 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Dhupguri Police Station Case No. 102 of 2020** dated **15/03/2020** under Sections **399/402** of the Indian Penal Code, 1860 read with Sections **28** of the Arms Act, 1959.

And

In the matter of: - **Latiful Islam**

...petitioner.

Mr. Kunaljit Bhattacharjee, Adv.,
Mr. Alok Sah, Adv.

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Arjun Chowdhury, Adv.

...for the State.

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

It is contended that considering the fact that the present accused/petitioner has no involvement in the alleged crime and that investigation has already been completed, the instant application for anticipatory bail may be considered favourably.

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

On a perusal of the entire material in the case diary, it appears that admittedly, there are some incriminating material as against the present accused/petitioner. But, considering the

fact that investigation has already been completed in the meantime, we are inclined to allow the prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner, namely, **Latiful Islam**, 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 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 that the present accused/petitioner shall appear before the learned Chief Judicial Magistrate, Jalpaiguri, within twenty one days from the date of obtaining a certified copy of this order or from the date of uploading of this order in the server, whichever is earlier.

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 CRM (A) 509 of 2023 is thus disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)