

31.08.2023
Item no.6
Court No.01
P.P./S.D.

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
APPELLATE JURISDICTION**

CRM (A) 696 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: Prabin Subba @ Praveen Subba @ Limbu
.... Petitioner

Mr. Jagriti Mishra
Mr. Subham Gupta
Mr. Reshab Kumar
Ms. Ananya Bhattacharya
Ms. Mrinmoyee Das
....for the petitioner

Mr. Niloy Chakraborty
Mr. Subhasish Misra
..... for the State

Apprehending arrest in connection with Kalimpong Police Station Case No.223 of 2017 dated 20.8.2017 under Sections 120B/121/121A/122/326/307/302/427 of the Indian Penal Code, 1860 read with Sections 3 and 4 of the Explosive Substances Act; Sections 3 and 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, the present application has been preferred.

Mr. Gupta, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Eight co-accused persons similarly situated with the petitioner had already been granted anticipatory bail by a Coordinate Bench of

this Court. In support of such contention, he has drawn our attention to the relevant orders as annexed to the present application. He further submits that upon completion of investigation chargesheet has also been filed and as such custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail.

Mr. Chakraborty, learned advocate appearing for the State, however, opposes the petitioner's prayer and draws our attention to several documents in the Case Diary.

Having heard the learned advocates appearing for the respective parties and considering the nature of the accusations, the possible extent of complicity of the petitioner in the alleged offence and taking note of the fact that the co-accused persons similarly situated with the petitioner had already been granted anticipatory bail, we are of the opinion that the petitioner's custodial interrogation is not necessary, more so, when upon completion of investigation chargesheet has been submitted.

Accordingly, we allow the prayer for anticipatory bail of the petitioner.

We direct that in the event of arrest, the petitioner namely, **Prabin Subba @ Praveen Subba @ Limbu**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further direction

that he shall attend the learned Court below on all the dates as fixed for hearing.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses.

The application for anticipatory bail CRM (A) 696 of 2023 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)