

5.09.2023
Item no.7
Court No.01
P.P./S.D.

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

CRM (A) 734 of 2023

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

And

In the matter of: Jayanta Sarangi & Anr.

.... Petitioners

Mr. Anirban Banerjee
Mr. Debasish Mukhopadhyay
Mr. S. Guha Roy

....for the petitioners

Mr. Aditi Shankar Chakraborty, APP,
Mr. Biswarup Roy

..... for the State

Apprehending arrest in connection with Kulchibari Police Station Case No.112 of 2023 dated 14.08.2023 under Sections 14A/14C of the Foreigners Act, 1946, the present application has been preferred.

Mr. Banerjee, learned advocate appearing for the petitioners submits that the petitioners are Indian Citizens and they have been falsely implicated. They have no nexus with the alleged offence and as such custodial interrogation may not be necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the co-accused persons, as recorded under Section 161 of the Cr.P.C.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, it appears that the names of the petitioners have transpired on the basis of the statements of the co-accused persons. Bearing in mind the nature of accusations, the possible extent of complicity of the petitioners in the alleged offence, we are of the opinion that the custodial interrogation of the petitioners may not be necessary. In view thereof, the petitioners' prayer for anticipatory bail is allowed.

We direct that in the event of arrest, the petitioners namely, **Jayanta Sarangi and Pradip Roy**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 condition that the petitioners shall meet with the Investigating Officer of the case once a week till investigation is completed.

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

The application for anticipatory bail CRM (A) 734 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.)

