

October 12, 2023.

**Ks
SI 15**

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM(A) 742 of 2023

In re : An application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 01.9.2023 in connection with Kotwali Police Station Case No. 89 of 2023 dated 07.02.2023 under Sections 14A/14C of the Foreigners Act, 1946 readwith Sections 379/411 of the IPC.

In the matter of: Anjuara Begam @ Begam Anju Arua
.... Petitioner.

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmik,
Ms. Rikta Sarkar

... for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP.,
Mr. Biswarup Roy,
Mr. Tapan Bhattacharjee,

... for the State.

Heard learned Advocates appearing for the parties.

This is an application for anticipatory bail under Section 438 of the Cr.P.C. Learned Advocate appearing for the petitioner submits that the present petitioner is an Indian citizen having her permanent residential address is given in the cause title of the petition which is supported by her AADHAAR Card and voter Identity Card. He submits that the allegation was that the present petitioner gave shelter to the accused persons. He further submits that accused persons are her nephew and relative and she was not connected with the alleged offence. He submits that anticipatory bail can be given to the petitioner.

Learned Advocate appearing for the State opposes the prayer for pre-arrest bail of the petitioner.

Perused the case diary and other materials on record. Charge-sheet has been submitted. There is no prayer on the part of the Investigating Officer that there may be possibility of filing supplementary charge sheet.

Considering facts and circumstances of the case that the present petitioner is a woman and an Indian citizen having her permanent residence at Haldibari, District: Jalpaiguri, we are of the view that the petitioner is entitled to get the benefit under Section 438 Cr.P.C. and the custodial interrogation of the petitioner is not required.

In the event of arrest, the petitioner may find bail upon furnishing a bond of Rs.5,000(Rupees Five Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Ld. CJM, Jalpaiguri. The petitioner will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

With this observation and direction this application being CRM(A) 742 of 2023 is disposed of.

(Partha Sarathi Chatterjee, J.)

(Md. Nizamuddin, J.)