

JPD-50
Ct No.01
14.09.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 758 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Kuchlibari Police Station Case No. 02 of 2023 dated 09.01.2023 under Sections 447/143/186/188/353/332/379/120B IPC, read with Section 30 of the PDPP Act.

And

In the matter of: Md. Baccha @ Md Bahcha and others
.... petitioners

Mr. Biswarup Roy
... for the petitioners

Mr. Kallol Acharjee,
Mr. Dhiman Sil
... for the State

1. It is submitted by the petitioners that merely on the premise of previous pending complaints against the petitioners, allegations have been levelled against the petitioners by the BSF.
2. Learned counsel for the State opposes the prayer for anticipatory bail.
3. However, on a perusal of the complaint, we find that the nature of the allegations made against the petitioners are vague and seem to be based more on perception than specific facts. For example, in paragraph no. 4 of the complaint, it has been alleged that one of the petitioners was attempting “a smuggling” and had been

making “many attempts to harm the BSF personnel”, which are absolutely vague.

4. Hence, CRM (A) 758 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall comply with the stipulations under Section 438(2) of the Code of Criminal Procedure.
5. In the event of arrest, the petitioners shall be released on bail upon furnishing bonds of Rs. 5,000/- each, with one surety who must be local, who can be common for all the petitioners, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj. Further, the petitioners shall also make themselves available for investigation and interrogation as and when so required by the Investigating Officer.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)