

21.03.2024

Serial no. 05

Anticipatory bail

[Allowed]

Dd

CRM (A) 960 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bamangola** Police Station Case No. **09** of **2024** dated **21.01.2024** under Sections **14(A)(b)/14C** of the Foreigners Act pending before Learned Chief Judicial Magistrate, Malda.*

-And-

*In the matter of : **Sayed Sarkar @ Sahed Sarkar**
... .. **Petitioner***

*Mr. Tapan Datta Gupra,
Mr. Parvej Anam, Advocates
... .. For the Petitioner*

*Mr. Arijit Ganguly,
Mr. Asraf Mandal, Advocates
... ..For the State*

Petitioner before us is acknowledged to be an Indian by the State.

Petitioner is being proceeded against under the Foreigners Act on the allegation of harbouring a foreign national.

Our attention was drawn to the materials in the case diary as also to the fact that, there is another police case as against the petitioner where, the petitioner is on bail. Other police case spoken of is under the Prevention of Damage to Public Property Act, 1984. Petitioner is on bail in such police case.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of

like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a week till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 960 of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)