

30.07.2024
Court No.29
Item No. 98

Allowed

sg

CRM (A) 2557 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section 482 of the BNSS, in connection with Kaliachak Police Station Case No. 1624 of 2023 dated 27.12.2023 under Sections 14B/14C of the Foreigners Act, pending before the learned Chief Judicial Magistrate at Malda.

And

In Re: **Arun Mandal & Anr.**

Petitioners

Mr. Wasim Akram

For the Petitioners

Mr. Subrata Roy

Mr. Nirupam Dhali

For the State

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. The learned Counsel for the State in opposing the prayer for anticipatory bail, has referred to the statement of the accused recorded under Section 161 of the Code of Criminal Procedure and submitted that the said statement has clearly implicates the petitioners. The allegation is of harbouring of a foreign national.
3. Considering the materials available in the case diary and the extent of complicity of the petitioners in the commission of alleged offence, we are inclined to grant anticipatory bail to the present petitioners.
4. Accordingly, we direct that in the event of arrest the petitioners, **Arun Mandal and Barun Mandal @ Varun** shall be released on bail upon

furnishing a bond of Rs.10,000/- each, 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 corresponding to Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that the petitioners shall meet the I.O. once in a week and the petitioners shall not leave the jurisdiction of Kaliachak Police Station without the permission of the investigating officer, except for the purpose of meeting the I.O. and attending the court proceedings till the submission of the final report. The petitioners shall appear before the learned Chief Judicial Magistrate at Malda within two weeks from date.

5. In the event the petitioners fail to comply with any of the conditions as mentioned hereinabove, the trial court shall be at liberty to cancel their bail automatically without any reference to this court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 2557 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)