

30.01.2024
(D/L 95)
Ct. No.1
(Allowed)
(SKB)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 64 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kuchlibari P. S. Case No.68 of 2023 dated 24.06.2023 under Section 14A/14C of the Foreigners Act (G.R. Case No.370 of 2023).

In the matter of : Shyamal Barman and another
... Petitioners

Mr. Hillol Saha Podder
... for the petitioners

Mr. Aditi Shankar Chakraborty, ld. APP
Mr. Biswarup Roy
... for the State

1. At the very outset, learned advocate for the petitioner not pressed the instant application for anticipatory bail in respect of petitioner no.2.
2. In view of such prayer, the prayer for anticipatory bail of petitioner no.2, Biswajit Barman, is dismissed as not pressed.
3. Heard learned Counsel for the parties.
4. Learned advocate for the petitioners submitted before this court that considering the remote involvement of the petitioner no.1 in the alleged crime, the instant application for anticipatory bail may be considered favourably.

5. Such prayer is, however, opposed by learned advocate for the State.
6. On perusal of the entire materials of the CD, it reveals that the investigation has been completed and it further reveals that the basis of implication of the present petitioner no.1 is to the effect that he is harbouring illegal infiltration of Bangladesi national to India. However, the basis of such implication is the statement of the two co-accused Bangladesi nationals.
7. Regard being had to the facts and submission, factum of permanent residence of the petitioner no.1, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned ACJM, Mekhliganj in G.R. Case No.370 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail, he shall be released on bail including the conditions that
 - i) He shall appear before the trial court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.
 - ii) He shall not leave the territorial jurisdiction of the learned trial court for a period of more than 7 days except to the permission of the trial court unless such condition has been relaxed by the learned trial

court on the basis of an application made before him by the present petitioner no.1.

8. Accordingly, the prayer for the anticipatory bail in respect of petitioner no.1 is allowed.
9. The applications being CRM(A) 64 of 2024 is disposed of.
10. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)