

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

12.03.2024

Court No.1
Item. 96
(Srimanta)

CRM(A) 167 OF 2024

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Kalimpong Police Station Case No. 181/2017 dated 07.07.2017 under Sections 436/34 of the Indian Penal Code read with Section 3 of PDPP Act and Section 15(a)/15(b) of West Bengal Maintenance of Public Order Act, 2017 corresponding to GR Case No. 222/2017.

And

In the matter of: **Ajit Roka.**

. . .Petitioners.

Mr. Janardan Periwal,
Mr. Rajesh Kumar Sharma

... For the petitioners.

Mr. Ujjal Luksom,
Mr. Chattu Roy

...For the State.

1. After hearing of the learned Counsel for the petitioner as well as the prosecution it is evident that the petitioner is on the same footing as Pawan Subba who was released on anticipatory bail by the learned Sessions Judge, Kalimpong by an order dated 8th November, 2021. The order records that the FIR was started against some unknown miscreants and most of the names came up on statement of the persons

picked up for the alleged incident which happened in July, 2017.

2. Hence, we see no reason for the custodial interrogation of the petitioner.
3. We accordingly 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, one of who must be local, to the satisfaction of the Arresting Officer and also comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioner shall cooperate with the investigation and make himself available for questioning to the Investigating Officer once in a fortnight until further orders. The petitioner shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.
4. The application for anticipatory bail being CRM (A) 167 of 2024 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)