

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

03.04.2024
Court No.01
rpan /20

CRM (DB) 126 of 2024

In Re:- An application for bail under section 439 of the
Code of Criminal Procedure;

And

In Re: Bishnu Barman

- Petitioner.

Mr. Hillol Saha Podder

.... for the Petitioner.

Mr. Nilay Chakraborty,

Ms. Namrata Das

...for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred in connection with Kuchlibari Police Station Case No.12 of 2024 dated 22.01.2024 under Sections 14A/14C of the Foreigners Act, 1946.

Mr. Saha Podder, learned advocate appearing for the petitioner submits that the petitioner, who is an Indian citizen, has been falsely implicated and his name does not feature in the FIR. He has already suffered detention since 1st February, 2024 and in such circumstances, he may be enlarged on bail on any stringent condition.

Mr. Chakraborty, learned Additional Public Prosecutor appearing for the State denies and disputes the contention of

the petitioner and submits that there are incriminating materials on record against the petitioner.

Upon hearing the learned advocates and considering the materials on record, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not necessary in the facts of the case.

Accordingly, we direct that 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 whom must be local, to the satisfaction of the Additional Chief Judicial Magistrate, Mekhliganj with a further condition that he shall meet with the Officer-in-Charge, Kuchlibari Police Station once a fortnight till conclusion of the trial and shall also attend the learned trial court on all the dates as fixed for hearing.

It is further directed that the petitioner shall not influence the witnesses and/or tamper with the evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel his bail without any further reference to this Court.

With the above observations and direction, the application for bail, being CRM (DB) 126 of 2024, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswaroop Chowdhury, J.) (Tapabrata Chakraborty, J.)