

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

**12.04.2024
Court No.01
Item No.07
Avijit Mitra**

CRM (A) 208 of 2024

In Re:- An application for anticipatory bail under Section
438 of the Code of Criminal Procedure;

And

In Re: Swapan Roy

- Petitioner

Mr. Sudip Guha,

Mr. Sandip Guha Roy

...for the Petitioner

Mr. Nilay Chakraborty, Ld. A.P.P.,

Mr. Kallol Nag

...for the State

Apprehending arrest in connection with Kuchlibari Police
Station Case No.187 of 2023 dated 24.12.2023 under Sections
14A/14C of the Foreigners Act, the present application has been
preferred.

Mr. Guha, learned advocate appearing for the petitioner
submits that the petitioner is an Indian citizen and he has been
falsely implicated in the alleged offence. His name does not
feature in the F.I.R. and has transpired on the basis of the co-
accused statement. Upon completion of investigation
chargesheet has also been submitted and as such, custodial
interrogation of the petitioner may not be necessary.

Mr. Chakraborty, learned Additional Public Prosecutor
appearing for the State opposes the petitioner's prayer and

submits that there are incriminating materials on record against him and as such his prayer for anticipatory bail needs to be refused.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record, the nature of allegations and the probable extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary in the facts and circumstances moreso when his name has transpired on the basis of co-accused statement and as upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Swapan Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further condition that the petitioner shall not leave the jurisdiction of Kuchlibari Police Station save and except for attending the learned trial Court on all the dates as specified for hearing. He shall also meet with the Officer-in-Charge, Kuchlibari Police Station once a week till framing of charges.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with 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 the petitioner's bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 208 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.)