

22.04.2024
Court No.01
Item No. 172
Allowed

KC

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

CRM (A) 219 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jalpaiguri Kotwali Police Station Case No. 772 of 2023 dated 19.10.2023 under Sections 305 of the Indian Penal Code.

And

In Re: **Jahangir Alam**

Petitioner

Mr. Sudip Guha
Mr. Sandip Guha Roy
Mr. Ananda Paul

For the Petitioner

Mr. Aditi Shankar Chakraborty, learned APP

For the State

1. Heard.

2. It is submitted on behalf of the petitioner that the present accused petitioner Jahangir Alam is also known Aleya, who is named in the FIR is in no way involved in the alleged offence.

3. While opposing the prayer for anticipatory bail, learned counsel for the State submits before this Court that the present accused petitioner and the deceased were in a romantic relation and on the fateful day, the present petitioner was absent when the deceased asked him to come to her company.

4. On perusal of the entire materials, we are convinced that prima facie there is no material to attract the provisions of Section 107 of the Indian Penal Code as against the present accused petitioner.

5. In view of such, we are inclined to grant anticipatory bail to the present accused petitioner.

6. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall meet the Investigating Officer once in a week till the final report is filed and shall not leave the territorial jurisdiction of the learned Trial Court except with the permission of the learned Trial Court till submission of the final report.

7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

8. CRM (A) 219 of 2024 is, thus, disposed of.

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

(Soumen Sen, J)

(Partha Sarathi Sen, J)