

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

**04.04.2024
Court No.01
Item No.23
Avijit Mitra**

CRM (A) 235 of 2024

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

And

In Re: Ashutosh Sarkar & anr.

- Petitioners

Mr. Joydeep Kanta Bhowmik,
Mr. Tushar Debnath,
Mr. Sayantan Bhowmik,
Ms. Debi Sarkar

...for the Petitioners

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Aniruddha Biswas
...for the State.

Apprehending arrest in connection with Kotwali Police Station Case No.939 of 2023 dated 25.12.2023 under Sections 379/411 of the Indian Penal Code read with Sections 14A/14C of Foreigners Act, the present application has been preferred.

Mr. Bhowmik, learned advocate appearing for the petitioners submits that the petitioners are Indian citizens and they have been roped in on the basis of mere suspicion and their names have transpired from the statement of co-accused persons. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation of the petitioners may not be necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to several documents in the case diary.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record, the nature of allegation and the probable extent of complicity of the petitioners in the alleged offence, we are of the opinion that their custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Ashutosh Sarkar and Md. Labu Haque @ Abdul Rejjak** shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 a further condition that the petitioners shall meet with the Officer-in-Charge, Kotwali Police Station once a fortnight till conclusion of the trial. They shall also attend the learned trial Court on all the dates as specified for hearing.

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

It is made clear that in the event the petitioners fail to comply with any of the aforesaid directions, without justifiable

cause, the learned Court below shall be at liberty to cancel the petitioners' bail without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 235 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.)