

24.04.2024
Court No.01
Item No. 02
Allowed

KC

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

CRM (A) 320 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with **Mekhliganj** Police Station Case No. **338** of **2023** dated **08.10.2023** under Sections 379/411 of the Indian Penal Code read with Section 11(i)(d) of the Prevention of Cruelty of Animal Act, 1960.

And

In Re: **Milan Islam**

Petitioner

Ms. Madhushree Dutta

For the Petitioner

Mr. Niloy Chakraborty, learned APP

Mr. Biswarup Roy

For the State

1. It is submitted on behalf of the petitioner that the present accused petitioner has been arrayed as an accused out of mere suspicion.
2. While opposing the prayer for anticipatory bail, the learned counsel for the State submits before this Court that the name of the present accused petitioner transpires from the statement of the co-accused, who has been apprehended.
3. On perusal of the entire materials placed before this Court, we are of the considered view that admittedly there are some incriminating materials as against the present accused petitioner, but considering the facts and circumstances of the present case, the custodial interrogation of the present accused petitioner is not at all necessary.
4. In view of such, we are inclined to grant anticipatory bail to the present accused petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and with a further condition that the present accused petitioner shall comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. It is further ordered that the petitioners shall meet the Investigating Officer once in a week till completion of the investigation unless he has been exempted from appearing by the concerned learned Trial Court.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. **CRM (A) 320 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)