

24.04.2024
Court No.01
Item No. 21
Allowed

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

ar

CRM (A) 339 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. 440 of 2023 dated 26.12.2023 under Sections 417/402/34 of the Indian Penal Code.

And

In Re: **Mohabub Alam**

Petitioner

Mr. Biswarup Ray
Miss Supriya Debnath

For the Petitioner

Mr. Nilay Chakraborty, learned APP

For the State

1. The learned counsel for the petitioner submits that the petitioner has been falsely implicated and one of the accused persons has been granted bail under Section 439 of the Code of Criminal Procedure by a coordinate bench in CRM (DB) 100 of 2024.
2. Learned advocate for the State while opposing the prayer for anticipatory bail has submitted that co-accused person has been enlarged on bail.
3. Considering the nature of the allegation against the petitioner and nature of involvement in the alleged crime and also having regard to the fact that the co-accused person has been enlarged on bail, we are of the view that custodial interrogation of the petitioner may not be necessary at this stage.
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 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.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. CRM (A) 339 of 2024 is, thus, disposed of.
8. 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)