

Court No. 1

30.04.2024

(JCB 9)

(S. Banerjee)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

(Allowed)

CRM (A) 370 of 2024

In re: ^c An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mekhliganj Police Station Case No. 422 of 2023 dated 10.12.2023 under Section 379, 411 of the Indian Penal Code read with Sections 14A, 14C of the Foreigners Act and read with Section 11(1)(d) of Prevention of Cruelty to Animal Act.

And

In the matter of: Sahidul Islam

...petitioner

Ms. Madhushri Dutta

... for the petitioner

Mr. Ujjwal Luksom

Ms. Namrata Das

... for the State

1. Apprehending arrest in connection with Mekhliganj Police Station Case No. 422 of 2023 dated 10.12.2023 under Sections 379/411 of the Indian Penal Code read with Sections 14A, 14C of the Foreigners Act and also read with Section 11(1)(d) of Prevention of Cruelty to Animal Act, the present application has been preferred.
2. Learned counsel for the State while opposing the prayer for anticipatory bail, however, candidly submits that the petitioner stand on the same footing as that of Enamul Haque @ Md. Enamul @ Anamul Hossain who has been enlarged on anticipatory bail on 04.04.2024 by a co-ordinate bench.
3. In view thereof, on the ground of parity of reason, we allow this application for anticipatory bail.

4. Upon hearing the learned advocates and considering the materials on record, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation may not be necessary.
5. Accordingly, we allow this application and 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 Rs. 5,000/- each, 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. The petitioner shall meet with the officer-in-charge of Mekhliganj Police Station once a fortnight till charges are considered and shall attend the learned Court below on all the dates, as specified for hearing, subject to the provisions of Section 317 Cr.P.C.
6. It is further directed that the petitioner shall not tamper with evidence and/or influence the witnesses in any manner whatsoever. In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel the bail without any further reference to this court.
7. The application for anticipatory bail, being CRM(A) 370 of 2024 is, thus disposed of.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)