

15.05.2024

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (A) No. 401 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kurseong Police Station Case No. 143 of 2018 dated 11.08.2018 under Sections 419/465/468/471/474 of the Indian Penal Code.

And

In Re : Bimal Gurung & Anr. petitioners

Mr. Amalees Roy

Mr. Janardan Periwal

Mr. Rajesh Kumar Sharma

....for the petitioners

Mr. Ujjwal Luksom

Mr. Saikat Chatterjee

Mr. Chattu Roy

....for the State

1. Learned Counsel for the petitioner no. 1 submits petitioner no. 1 is a leading political personality. It is contended petitioners have been falsely implicated in the case which relates to admission of their daughter in a reputed school in Kurseong. She had passed out from the school in 2006. In order to harass petitioner no. 1 during the Parliamentary elections investigating agency is seeking to arrest him and his wife. Accordingly, they pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer and submits petitioners had prepared fake documents and arranged for admission of their daughter in place of another girl.

3. We have considered the materials on record. Petitioner no. 1 is a reputed political personality. Petitioner no. 2 is his wife. It is alleged in the FIR that their daughter was admitted to a reputed school in Kursong by personating another girl. The incident occurred in 2004 and the girl had passed out in 2006. FIR came to be registered after fourteen years in 2018. Presently petitioners are being threatened with arrest. Credibility of the allegation regarding personation may be assessed during trial. Keeping in mind the nature of accusation which revolves around documents and inordinate delay in registration of FIR we are of the opinion custodial interrogation is not necessary. Accordingly, we are inclined to grant anticipatory bail to the petitioners.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date.

5. The application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

