

19.06.2024  
(D/L 35)  
Ct. No.1  
(Allowed)  
(SKB)

**CALCUTTA HIGH COURT  
IN THE CIRCUIT BENCH AT JALPAIGURI**

**C.R.M.(A) 451 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kuchlibari P. S. Case No.171 of 2023 dated 26.11.2023 under Sections 14A/14C of the Foreigners Act, 1946 pending before the learned Chief Judicial Magistrate, Mekhliganj, Coochbehar.

In the matter of : Parimal Roy

... Petitioner

Mr. Debasish Mukherjee,  
Ms. Srishti Sarkar

... for the petitioner

Mr. Sourav Ganguly,  
Mr. Subhashis Mishra

... for the State

1. Heard learned counsel for the petitioner and the learned State counsel.
2. Two foreign nationals have been arrested who have disclosed the petitioner's name as being one of the facilitators.
3. It is submitted by the learned counsel for the petitioner that based on statement of the co-accused, the petitioner has been implicated. He had allowed some persons to use his motorcycle out of good faith and that persons have subsequently, come to be arrested leading to his implication. He has no antecedent and he has not concerned with their entry in the country.
4. Learned State counsel opposes the prayer for bail. It is submitted that the infiltrators were found to be moving on

the motorcycle, ownership of which was traced to the petitioner.

5. Considering the rival submissions and that charge-sheet has been submitted; as also the nature of allegation against the petitioner who was not even allegedly present near the place from where the persons have been apprehended, we are inclined to allow the prayer for anticipatory bail.
6. Accordingly, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that the petitioner shall cooperate in the investigation as and when required. Petitioner is directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of the charge-sheet.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. Within 15 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
9. The application being CRM(A) 451 of 2024 is disposed of.
10. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

**(Madhuresh Prasad, J.)**

**(Partha Sarathi Chatterjee, J.)**