

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

03.07.2024
Court No.1
(D/L 27)
(allowed)

CRM (A) 489 OF 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Mekhliganj Police Station Case No.66 of 2024 dated 24.02.2024 under Sections 14A/14C of the Foreigners Act, 1946.

And

In the matter of: **Mahabbar Ali Fakir**

... Petitioner.

Mr. Debasish Mukherjee
Ms. Srishti Sarkar

... for the petitioners.

Mr. Nilay Chakraborty, Ld. APP
Mr. Biswarup Roy

... for the State.

Learned counsel appearing for the petitioner submits that the petitioner is a resident of 76 Nijtaraf, P.S. Mekhliganj, Dist-Coochbehar and has been falsely implicated in the present case. Learned counsel for the petitioner also prays for anticipatory bail.

Learned counsel appearing for the State opposes the prayer for anticipatory bail. He also submits that the petitioner was previously arrested for helping number of persons to cross the border.

We have considered the materials-on-record including the 164 statement.

As the investigation is over, we are of the opinion that custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner be granted bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and on further condition that the petitioner shall appear before the trial court on each and every date of hearing and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. In default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

The application for anticipatory bail is, accordingly, allowed.

[MD. SHABBAR RASHIDI, J.]

(RAJARSHI BHARADWAJ, J.)