

**In the High Court At Calcutta
Jalpaiguri Circuit Bench**

CRM (A) 790 of 2024

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the BNSS in connection with **Kotwali Police Station** Case No. **427 of 2024** dated **24.04.2024** under Sections **447/427/379/436/34** of the Indian Penal Code.

- A n d -

In the matter of : Ajijul Hoque & Ors.

.... Petitioners.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das,

... For the Petitioners.

Mr. Nilay Chakraborty, ld. APP,
Mr. Tapan Bhattacharjee,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Leave is granted to learned Advocate on record for the petitioners to amend the cause title.
2. The petitioners say that they have been falsely implicated. The complaint is the result of political rivalry. They have no role to play in the alleged offence of arson. They pray for pre-arrest bail.
3. Learned Advocate for the State, while opposing the prayer for anticipatory bail, draws our attention to statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. We find that the petitioner nos. 1 and 2 have been specifically named by the witnesses.
4. Hence, considering the gravity of the offence we are not inclined to entertain their prayer for anticipatory bail.
5. The application stands rejected in so far as the petitioner nos. 1 and 2 are concerned.

6. However, in so far as the petitioner no. 3 and 4 are concerned, we do not find in the case diary any such incriminating material as would justify rejection of their prayer for anticipatory bail.

7. Accordingly, in the event of arrest, the petitioners, namely, **Swapan Chanda and Makchhed Ali @ Md. Moksed Ali**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioners shall report to the Officer in Charge of the concerned Police Station once in a fortnight until further orders.

8. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

9. CRM (A) 790 of 2024 is, thus, disposed of.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Biswaroop Chowdhury, J.)**

(**Arijit Banerjee, J.)**