

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

CRM (A) 858 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 **Samuktala Police Station** Case No. **273 of 2016** dated **07.10.2016** under Sections **468/471** of the Indian Penal Code and Sections 14/14A/14C of the Foreigners Act.

- A n d -

In the matter of : Anita Lakra @ Anita Tirkey & Anr.

.... Petitioners.

Mr. Sourav Ganguli,
Mr. Shubhankar Dutta,
Ms. Rishita Chakraborty,
Mr. Somdutta Patra,
Mr. Gopal Rai,

... For the Petitioners.

Mr. Nilay Chakraborty, ld. APP,
Mr. Sagnik S. Sikdar,

... For the State.

Order dictated by Biswaroop Chowdhury, J.:

1. Learned Advocate for the petitioner and learned Advocate for the State are present.
2. Heard learned Advocates for the parties. Perused the materials in the case diary.
3. Learned Advocate for the petitioner submits that the petitioners are not named in the FIR and subsequently they were implicated in the instant case and charge sheet has been submitted. It is further submitted by the learned Advocate that pursuant to the arrest of two persons being Rabin Miya and Netai Dey, who are alleged to be Bangladeshi nationals, investigation was taken out and the petitioners are alleged to have committed offence under Sections 486/471 of the Indian Penal Code read with Section

14/14A/14C of the Foreigners Act. It appears from the materials on record that the Investigating Officer collected the register i.e., the record of birth certificates, one application form of Block Medical Officer and different affidavit certificates, voter identity card but no seizure was made from the petitioner no. 2. He further submits that the documents which were seized from the petitioner no. 1 are alleged to be forged as per the version of the Investigating Officer. Learned Advocate for the petitioner also submits that his client, the petitioner no.1 has maintained the register of record of birth certificates and received the other application and had issued the permission letter of SDO, Alipurduar after complying the due process of law. Thus, the petitioner no. 1 cannot be implicated in the instant case.

4. It is admitted position that although certain documents which are collected from the petitioner no. 1 are alleged to be forged one but no departmental proceedings are initiated against the petitioner no. 1. On the other hand the petitioner no. 2 is implicated being the Upa-pradhan although there was no seizure.

5. Considering the materials in the case diary and the fact that investigation is complete and charge sheet has been submitted and upon hearing the learned Advocates for the parties, we are of the view that as the petitioners are the people's representative holding a responsible position and there is no chance to abscond or tamper with witnesses in the in the interest of justice the petitioners should be granted anticipatory bail.

6. Accordingly, in the event of arrest, the petitioners, namely, **Anita Lakra @ Anita Tirkey and Amrit Chhetri**, 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 petitioner no. 2 shall report to the Officer in Charge of the concerned Police Station once in a fortnight until further orders. The petitioners shall not leave the territorial jurisdiction of the State of West Bengal.

7. 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.

8. CRM (A) 858 of 2024 is, thus, disposed of.

9. 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.)