

27.11.2024
SI No.76
srm/Mujahid
(Allowed)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM(A) 911 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the B.N.S.S. filed on **11.11.2024** in connection with **Coochbehar Sardar Kotwali** Police Station Case No. **1000/2023** dated **06.09.2023** under Sections **467/468/471A/409/420** of the Indian Penal Code and Section **13(I)(a)** of the P.C. (Amendment Act).

And

In the matter of : **Saiyed Arju Hoque**

... Petitioner.

Mr. Subham Ghosh,
Mr. Abhishek Singh,
Mr. Mayank Roy

... for the petitioner.

Mr. Ujjwal Luksom,
Mr. Chattu Roy

... ... for the State.

Learned Advocate representing the petitioner submits that the main allegation is against one Asraful Alam who has been granted the benefit under Section 438, Cr.P.C. He prays for extension of such benefit on the ground of parity.

Learned Advocate representing the State produces the case diary and vehemently opposes the prayer. He submits that the petitioner was also involved in the alleged offence and a thorough investigation is required. Accordingly, such investigation may necessitate the custodial interrogation of the present petitioner.

Heard the learned Advocate for the respective parties. Perused the case diary and other materials. Allegation against the petitioner is that the petitioner allowed his account to be used by

the accused person to keep the amount which was allegedly misappropriated by him.

However, the principal accused against whom the main allegation is directed, was granted pre-arrest bail. That apart, answering to our query, the learned Public Prosecutor submitted that both the accounts of the accused person have been seized and the alleged offence is based on documentary evidence to some extent. Considering these aspects, we are inclined to extend the benefit of pre-arrest bail in favour of the petitioner. The prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of equal amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of B.N.S.S. The petitioner shall meet the investigating officer once in a week till the investigation is completed and on further condition that the petitioner shall appear before the jurisdictional court on each day on and from the date fixed for appearance after completion of investigation.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of B.N.S.S., the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee J.)

(Shampa Sarkar, J.)