

04.12..2024
Ct. No. 01
SL No. 47
Cp
Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 915 of 2024

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with Kuchlibari Police Station Case No.150 of 2022, dated 20.11.2022, under Sections 14A/14C of the Foreigners Act.

And

In the matter of: **Lipan Ali**

....Petitioner.

Mr. Anirban Banerjee
Mr. Tapabrata Ghosh

...for the Petitioner.

Mr. Sourav Ganguly
Mr. Dhiman Shil

... for the State.

Learned advocate representing the petitioner prays for anticipatory bail on the ground of parity. The other co-accused persons are already on bail.

Learned advocate for the State opposes the prayer of the petitioner on the ground that the petitioner has been absconding. The petitioner is a tout. He is an Indian national.

Considering the ground of parity and the fact that the trial is in progress, we are inclined to grant the prayer of the petitioner. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of equal amount each, one of whom must be local, to the satisfaction of the Additional Chief Judicial Magistrate, Mekhliganj 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 the

B.N.S.S. 2023, and subject to further condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing until further orders of the said court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future. The petitioner shall not leave the territorial jurisdiction of the learned trial court.

In case the petitioner fails to adhere to any of the conditions stated above, the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)