

04.12..2024
Ct. No. 01
SL No. 48
Cp
Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 928 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.69 of 2024, dated 02.05.2024, under Sections 14A/14C of the Foreigners Act.

And

In the matter of: **Harendra Roy**

....Petitioner.

Mr. Biswarup Roy
Ms. Supriya Debnath

...for the Petitioner.

Mr. Saikat Chatterjee
Mr. Dhiman Shil

... for the State.

Learned advocate representing the petitioner prays for anticipatory bail on the ground of changed circumstances. It is submitted that the petitioner is paralyzed and is bed ridden.

Learned advocate for the State opposes the prayer of the petitioner for grant of anticipatory bail.

The investigating officer has filed a report before this court, which is taken on record. The report confirms the contention of the petitioner that he is in a bed ridden condition. The medical documents have been annexed to the said report.

Upon considering such changed circumstance and as the petitioner is almost in a bed ridden condition, we are inclined to grant the prayer of the petitioner. Furthermore, the investigation is also complete.

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 the condition that the petitioner shall appear before the learned Trial Court if called for and the petitioner will 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 without permission of the said 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 is, 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.)