

04.12..2024
Ct. No. 01
SL No. 52
Cp
Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 940 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 Mathabhanga Police Station Case No.282 of 2024, dated 03.05.2024, under Sections 143, 186, 188, 323.333.353, 379 and 411 of the Indian Penal Code read with Section 3 of the Prevention of Damage to Public Property Act, 1984.

And

In the matter of: **Meheub Rahaman & Ors.**

....Petitioner.

Ms. Suman Sehanabis (Mondal)
Ms. Anwesh Chakraborty

...for the Petitioner.

Mr. Saikat Chatterjee
Mr. Chattu Roy

... for the State.

The petitioners pray for anticipatory bail on the ground that they have been falsely implicated by the BSF authorities.

Learned advocate for the State opposes the prayer of the petitioners. He hands over the case diary.

We have considered the injury report. Considering the fact that the incident allegedly occurred in the presence of direct evidence and further considering that the witnesses are all government officials and there is remote possibility of tampering with the evidence, we are inclined to grant the prayer of the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 the B.N.S.S. 2023. The petitioners shall meet the concerned investigating officer twice a week till the completion of the investigation and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In case the petitioners fail 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.)