

18.12.2024
(D/L 31)
Ct. No.1
(Allowed)
(BKN)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 1011 of 2024

In Re:- An application for anticipatory bail under Section 482 of the B.N.S.S, 2023 (under Section 438 of Cr.P.C, 1973) in connection with Kotwali P. S. Case No. 641 of 2024 dated 23.09.2024 under Sections 14(A) of Foreigners Act read with Section 303(2)/317(2) of B.N.S, 2023 corresponding to G.R. Case No. 4751 of 2024, pending before the Court of Ld. Chief Judicial Magistrate at Jalpaiguri.

In the matter of : Jasiuddin @ Jasimuddin Haque @
Kantai & Anr.

... Petitioners

Mr. Jaydeep Kanta Bhowmik,
Ms. Sayantani Das,
Ms. Moumita Shome,
Ms. Priti Das

... for the petitioners

Mr. Kollol Acharjee,
Mr. Biswarup Roy

... for the State

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. Four to five cattle smugglers were moving towards the Indian border when the officers rushed to apprehend them. All but one has fled away. The individual who was apprehended along with some cattle has stated about the petitioners being one of the associates in their cattle smuggling.
3. The learned counsel for the petitioner submits that his name has been stated on extraneous considerations that also in custody. There is nothing to link the petitioners

with the apprehended person. The petitioner is an Indian national which is apparent from the allegations in the F.I.R itself. The apprehended person, a foreign national is already in custody. The petitioners also have no antecedents.

4. The learned counsel for the State has also opposed the prayer and submits that the petitioners are named accused.
5. Considering the rival submissions, nature of accusation levelled against the petitioners by co-accused in custody, the petitioners being an Indian nationals we are inclined to grant the prayer for anticipatory bail.
6. Accordingly, it is directed 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 like amount each, one of whom must be local, to the satisfaction of the Learned Court below and subject to the conditions as laid down under Section 438(2) of the Code of Criminal procedure, 1973, with a further condition that the petitioners shall attend the Learned Court below on all the dates fixed for hearing..
7. It is further directed that the petitioners shall not tamper with evidence and/or influence the witnesses in any manner whatsoever.
8. The petitioners shall meet the Investigating Officer once in a week.

9. In the event, the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned Court below shall be at liberty to cancel their bail without any further reference to this Court.
10. Accordingly, the prayer for the anticipatory bail is allowed.
11. Within 15 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
12. The application being CRM(A) 1011 of 2024 is disposed of.
13. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)