

24.12.2024
D/L 18)
Ct. No.1
(Allowed)
(BKN)

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

C.R.M.(A) 1029 of 2024

In Re:- An application for anticipatory bail under Section 482 of the B.N.S.S., 2023 corresponding to Section 438 of the Cr.P.C., 1973 in connection with POR No. – 38/DG of 2022-2023, dated 04.01.2023, under Sections 9, 34, 39, 44, 49A, 49B of the Wild Life Protection Act, 1972, punishable under Section 51 of the Wile Life Protection Act, 1972, pending before the Learned Chief Judicial Magistrate, Jalpaiguri, being C.R. No. 37 of 2023.

In the matter of : Sanduk Roy @ Guli Roy
... Petitioner

Mr. Kunaljit Bhattacharjee
... for the petitioner

Mr. Aniruddha Biswas
... for the State

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. As per statements made by co-accused from whom there is recovery of country made single barrelled gun and a piece of antler (deer horn), the petitioner has been made an accused.
3. It is submitted by the learned counsel for the petitioner that the implication is based only on the statements of a co-accused which also have not been recorded in compliance with the provision of the Act. The petitioner was implicated in a similar way in another case arising out of C.R. Case No. 1002 of 2022 wherein he was allowed the privilege of anticipatory bail by a coordinate

Bench on 3rd February, 2023 in C.R.M. (A) 29 of 2023.

The present implication is a sequel to such false implications being levelled against the petitioner.

4. The learned counsel for the State on the other hand submits that this being the second case the involvement of the petitioner cannot be ruled out and, therefore, he should not be allowed the privilege of anticipatory bail.
5. Considering the rival submissions, the fact that the implication is based only on statements of co-accused, the statement being required to be recorded in a particular way under the Act, which *prima facie* seems to have not been complied, the fact that petitioner has been allowed anticipatory bail in the earlier case; as also the fact that the statement of co-accused has already been recorded by the agencies and the Prosecution Office Report (POR) has already been filed we are inclined to allow the petitioner the privilege of anticipatory bail.
6. Accordingly, it is directed 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 like amount each, one of whom must be local, to the satisfaction of the learned Trial Court and subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023, with a further condition that the petitioner shall attend the learned Court below on all the dates fixed for hearing.

7. It is further directed that the petitioner shall not tamper with evidence and/or influence the witnesses in any manner whatsoever.
8. In the event, the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Trial Court shall be at liberty to cancel his bail without any further reference to this Court.
9. Accordingly, the prayer for the anticipatory bail is allowed.
10. Within 15 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
11. The application being CRM(A) 1029 of 2024 is disposed of.
12. Case Diary be sent back immediately.
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.)