

09.01.2025
12.
Ct. No. 28
SG
[ALLOWED]

C. R. M. (A) 4511 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Mangalagiri Town Police Station Case No. 287 of 2024 under Section 316(2) of BNS.

And

In Re: **Jiyaul Hak Halder @ Bapi Halder.**

..... Petitioner

Mr. Debapriya Gupta,
Mr. Sobhan Biswas.

.... for the petitioner

Mr. Saryati Dutta,
Mr. Asif Dewan.

.... for the State

1. Petitioner is the owner of a jewellery shop. He submits he has no relation with Jinnat Malik Shaik @ Gobed, the principal accused. He further submits police personnel attached Mangalagiri Town Police Station, Guntur, Andhra Pradesh came to West Bengal to arrest him. He is ready and willing to cooperate with investigation. Accordingly, he prays for transit anticipatory bail.

2. In view of the law declared in ***Priya Indoria vs. State of Karnataka and Ors.***¹ we entertained the application and directed notice upon Mangalagiri Town Police Station, Guntur, Andhra Pradesh. Report from the police station is placed on record. Gist of the report is to the effect that one Jinnat Malik Shaik @ Gobed was employed under one Musharaf in Guntur. The said Jinnat Malik Shaik @ Gobed misappropriated gold

¹ (2024) 4 SCC 749

ornaments. Jinnat Malik Shaik @ Gobed had been arrested and he made statement that he had sold 330 grams of gold to the petitioner. Police came to West Bengal to search the shop of the petitioner. Shop was closed and it is alleged petitioner could not be found.

3. Having analysed the aforesaid material in light of the submission made on behalf of the petitioner, we note petitioner's implication is based on statement of co-accused Jinnat Malik Shaik @ Gobed. Admittedly, statement of co-accused before police is inadmissible in law. Petitioner offers to cooperate with investigation in all lawful ways.

4. Under such circumstances, we are inclined to grant transit anticipatory bail for two weeks.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., **Jiyaul Hak Halder @ Bapi Halder** be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The order shall remain in force for two weeks. Petitioner shall be at liberty to approach jurisdictional court for necessary relief in accordance with law.

6. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)