

18.02.2025
Court No.01
rpan/ 39

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

CRM (A) 94 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Pundibari Police Station Case No.11 of 2025 dated 03.01.2025 under Sections 406/420/ of the Indian Penal Code;

And

In Re: Manojit Das & Another

- Petitioners.

Mr. Kunal Ganguly (through V.C.),
Mr. Sampad Das,
Ms. Esha Acharja,
Ms. Mitali Mukherjee
...for the Petitioners.

Mr. Abhijit Sarkar,
Mr. Sanjiv Das
...for the State.

Mr. Ganguly, learned advocate appearing for the petitioners submits that the petitioners have been falsely implicated. The allegations levelled are unfounded. No specific overt act has been attributed to the petitioners and in view thereof, custodial interrogation may not be necessary.

Drawing our attention to the statements of the witnesses as recorded under Section 161 of the Code, Mr. Sarkar, learned advocate appearing for the State submits that there are specific allegations against the petitioners and investigation is still continuing. In the said conspectus, custodial interrogation may be necessary.

Prima facie, no specific overt act has been attributed to the petitioner no.2, who happens to be the father of the petitioner no.1. Considering the nature of accusations and the extent of complicity

of the petitioner no.2 in the alleged offence, we are of the opinion that his custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest the petitioner no.2, namely, **Ujjal Das** 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 arresting officer and subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with a further direction that he shall meet with the investigating officer once a week till completion of investigation.

It is made clear that in the event the petitioner no.2 fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

However, as *prima facie*, we do find incriminating materials against the petitioner no.1, we are not inclined to exercise discretion in his favour at this stage, moreso when investigation is still continuing. In view thereof, prayer of the petitioner no.1, namely, **Manojit Das** is rejected.

The application for anticipatory bail, being CRM (A) 94 of 2025, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Prasenjit Biswas, J.)

(Tapabrata Chakraborty, J.)