

40. 02.04.2025
Court
No.1 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE
CRM (A) 184 of 2025**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jalpaiguri Kotwali Police Station Case No. 913/2023** dated **15/12/2023** under Sections **379/411/413/414** of the Indian Penal Code, 1860.

And

In the matter of: - **Alu Alid Sarkar @ Alualid Sarkar @ Alwalid Sarkar & Ors.**

...petitioners.

Mr. Sandip Guha Roy

...for the petitioners.

Mr. Nilay Chakraborty, APP
Mr. Biswarup Roy

...for the State.

1. The petitioners say that they are three out of four FIR named accused persons. The charge is of smuggling cattle through the Indo-Bangla border. Charge-sheet has been filed upon completion of investigation. If further investigation is conducted, they will fully co-operate. They pray for pre-arrest bail.
2. Learned State Advocate, while opposing the prayer for anticipatory bail, says that Section 413 of the Indian Penal Code has also been invoked. The petitioners are habitual offenders. However, the State could not produce any material demonstrating that these petitioners have criminal antecedents.
3. Considering the nature of the charge and the fact that investigation is complete, I am of the view that immediate custodial interrogation of the petitioners may not be necessary.

4. Accordingly, in the event of arrest, the petitioners, namely, **1. Alu Alid Sarkar @ Alualid Sarkar @ Alwalid Sarkar, 2. Bappa Sarkar, 3. Suhel Haque @ Sohel Haque @ Suyel Haque** 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 arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioners shall appear before the learned Trial Court on each and every date of hearing and shall not leave the territorial jurisdiction of Kotwali Police Station, Jalpaiguri, without the leave of the learned Trial Court and shall meet the Investigating Officer of the case, once every fortnight until further orders.
5. In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
6. The application for anticipatory bail being CRM (A) 184 of 2025 is thus allowed and disposed of.
7. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Arijit Banerjee, J.)