

14.5.2025
SL No.1
Court No.1
(tk)

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM (A) 310 of 2025

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

In the matter of : **Bappi Sarkar @ Bapi and Anr.,**
...Petitioners.

Mr. J.K.Bhowmik,
Ms. D. Sarkar,
Mr. S. Bhowmik,
Ms. M. Shome,

....For the Petitioner.

Mr. N. Chakraborty, ld. APP,

.... For the State.

1. The application for anticipatory bail is canvassed on the ground that the applicant is an innocent villager who was no way involved in the attempted cattle smuggling.
2. The case registered by the police is still under investigation. One Bangladeshi national has been caught and certain currency were seized from him.
3. The other persons involved in the cattle smuggling had escaped beyond the international border into Bangladesh.
4. The applicant's name is in the FIR registered by the Kotwali Police Station, Jalpaiguri, under the Foreigners Act and sections 224, 303(2) and 313(2) of the BNS.
5. Counsel for the applicant has relied upon a decision by a Division Bench of this Court in CRM(A)/420/2024, dated May

22, 2024. It is submitted that in a similar situation, the anticipatory bail has been allowed.

6. This Court is of the view that no two cases can be equated on facts and hence granting of anticipatory bail to the applicant at this stage may frustrate the investigation itself.
7. The application for anticipatory bail is, therefore, rejected.

(Rajasekhar Mantha, J.)