

27.11.2025
Item no.23(DL)
Court No.3
srm
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (A) 834 of 2025

In Re:- An application for anticipatory bail under Section 482 of BNSS, 2023 in connection with Bail Petition No.1525 of 2025 arising out of Kuchlibari P.S. Case No.120 of 2025 dated 27.08.2025 under Sections 223/303(2)/317(2) of Bharatiya Nyaya Sanhita, 2023 read with Section 11(1)(d) of Prevention of Cruelty to Animal Act, pending before the learned Sessions Judge, Coochbehar.

In the matter of : **Kalam Mandal @ Kamal Mandal @ Fakira**
... Petitioner.

Mr. Biswaroop Roy,
Mr. Liton Ali

...for the Petitioner.

Mr. Nilay Chakraborty, APP
Mr. Tapan Bhattacharjee

...for the State.

1. Learned Advocate for the petitioner submits that only on the basis of statement of co-accused this petitioner has been implicated in this case. There is no notice served upon the petitioner under Section 41A of Cr.P.C. He seeks for grant of anticipatory bail in favour of the petitioner. He relies on the decision of the Hon'ble Supreme Court in **Satender Kumar Antil versus Central Bureau of Investigation** reported in **(2022) 10 SCC 51**.
2. Opposing such prayer for anticipatory bail, learned Advocate for the State submits that there are specific

allegations against this petitioner of his involvement in the smuggling of cattle. On the date of incident 22 cattles were recovered. He seeks for dismissal of the application for grant of anticipatory bail.

3. Perused the case diary and the materials on record.
4. It appears that the name of the petitioner has transpired from the statement of the co-accused persons. Considering the above, I am inclined to allow the prayer of the petitioner for anticipatory bail.
5. Accordingly, in the event of arrest the petitioner namely **Kalam Mandal @ Kamal Mandal @ Fakira** shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall meet the Investigating Officer/Inspector-in-Charge of the concerned police station once in a fortnight until further orders and shall attend the Court on the dates fixed for appearance and hearing. The petitioner is directed to join investigation and cooperate with the Investigating Officer.
6. In case the petitioner fails 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 trial Court shall be entitled to cancel the anticipatory bail without further reference to this Court.

7. This application for anticipatory bail is, thus, allowed.
8. **CRM (A) 834 of 2025** stands disposed of.

(Bivas Pattanayak, J.)