

04.07.2023

Item no.32

Court No.1.

AB

(Allowed)

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

CRM (A) No.447 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Mekhliganj Police Station Case No.66 of 2018 Dated 5.3.2018 under Sections 420 of the Indian Penal Code

And

**In the matter of: Gobinda Roy @ Gobindo Roy
.....Petitioner.**

Mr. Satyam Sarkar,
Mr. Dipankar Debfor the Petitioner.

Mr. Nilay Chakraborty,
Mr. Sourav Gangulyfor the State.

Heard learned Advocate for the petitioner and learned Advocate for the State.

It is contended that considering the fact that investigation has already been completed and also considering the fact that the present accused petitioner stands on the same footing with the co-accused person already enlarged on bail, the instant application for anticipatory bail may be considered favourably.

While opposing the prayer for anticipatory bail, learned Advocate for the State draws attention of this Court to various statements as recorded under Sections 164 Cr.P.C. / 161 Cr.P.C. Investigation is stated to have been completed.

Accordingly, the alleged incriminating materials are also stated to have been seized in the meantime.

In view of the aforesaid, we are of the opinion that custodial interrogation of the present accused petitioner is not immediately necessary and, accordingly, we are inclined to allow the prayer of the petitioner.

Accordingly, in the event of arrest, the petitioner, namely Gobinda Roy @ Gobindo Roy shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that within twenty one days from the date of obtaining a certified copy or a server copy of this order, whichever is earlier, the petitioner shall appear before the learned Trial Court, failing which the learned Trial Court is allowed to issue warrant of arrest against the present petitioner.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. (A) No.447 of 2023 is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)