

32. 03.04.2025
Court
No.1 (Papiya)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 193 of 2025

In Re: - An application for anticipatory bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023/ Section 438 of the Code of Criminal Procedure, 1973 in connection with **Kuchlibari Police Station Case No. 69 of 2024** dated **02/05/2024** under Sections **14A/14C** of the Foreigners Act, 1946 read with Section **11 (1)(d)** of the Prevention of Cruelty to Animals Act, 1960.
And

In the matter of: - **Amal Roy**

...petitioner.

Mr. Hillol Saha Poddar, Adv.
Ms. Mousumi Das, Adv.

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP.
Mr. Biswarup Roy, Adv.

...for the State.

1. The petitioner says that he is an Indian National. He has been falsely implicated in this case of alleged cattle smuggling across the Indo-Bangla Border. There was no seizure from him. His name has been included only on the basis of statements made by co-accused persons before the police. He prays for anticipatory bail.
2. Learned State Counsel, while opposing the prayer, says that from the investigation, it is revealed, that the petitioner is indeed an Indian National. However, statements of co-accused persons have implicated him as a participant in the offence of cattle smuggling.

3. Statements of co-accused persons recorded by the police may not be admissible in evidence. No statement of any independent witness could be shown to me, implicating this petitioner. I further see that charge-sheet has already been submitted.
4. In view of the aforesaid, I am of the opinion that immediate custodial detention of the petitioner is not necessary.
5. Accordingly, in the event of arrest, the petitioner, namely, **Amal Roy**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), 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 the Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall meet the Officer-in-Charge/Inspector-in-Charge of the concerned police station once in a fortnight, until further orders. Within seven days from date, the petitioner shall go and meet the Investigating Officer of this case.
6. The application for anticipatory bail being CRM (A) 193 of 2025 is thus **allowed** and disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.
8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)