

07
14.3.2019
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Ct. 1
Allowed

**Circuit Bench of
Calcutta High Court
at Jalpaiguri
Appellate Side**

C.R.M. 07 of 2019

In Re: An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 11.03.2019 in connection with Maynaguri Police Station Case No. 195 of 2017 dated 27.05.2017 under sections 448/326/304 of the Indian Penal Code.

In the matter of : Parimal Roy & Anr. ... Petitioners

Mr. Debjit Kundu
... For the Petitioners.

Mr. Aditi Shankar Chakraborty.Ld. A.P.P.,
Mr. Saikat Chatterjee
... For the State.

Heard the learned advocates appearing for the parties.

It is submitted on behalf of the petitioners that on the basis of the written complaint of the de facto complainant dated 27.05.2017 case was initiated against the petitioners and Paden Roy, father of the petitioner no.1, who has already been granted bail by the learned Court below. It is further submitted that in the instant case Charge Sheet has already been submitted and there is no need for custodial interrogation.

The learned advocate for the State opposes the prayer for anticipatory bail and submits that after rejection of their anticipatory bail by the learned Session Judge, the petitioners did not surrender before the learned Court below.

In view of the submissions made on behalf of the learned advocates for the respective parties and the materials in the

case diary and the fact that charge sheet has already been submitted, we are of the opinion that custodial interrogation of the petitioners may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners, viz. Parimal Roy and Smt. Shephali Roy shall be released on bail upon furnishing bond of Rs.2,000/- each 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.

The application for anticipatory bail is allowed accordingly.

C. R. M. 07 of 2019 is thus disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Biswanath Somadder, A.C. J.)

(Md. Mumtaz Khan, J.)