

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

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22.08.2019.
154.
as
(Allowed).

C.R.M. 662 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.08.2019 in connection with Rajganj P. S. Case No.106 of 2019 dated 12.04.2019 under Sections 147/148/149/323/325/326/332/333/353/186/307/427/506 of the Indian Penal Code.

In the matter of : Biren Roy & Ors.

... Petitioners.

Mr. Tapabrata Ghosh.

...for the Petitioners.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Sagnik Sankar Sikder.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case which arose out of an outburst of public emotion in the locality. No overt act has been attributed to the petitioner in the assault of public servants.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioners

along with others had indiscriminately thrown brick bats resulting in grievous injuries on civic volunteers.

We have considered the materials on record including the statements of witnesses. Although the petitioners are named in the said statement but no specific overt act on their part has been disclosed therein.

In view of the nature of allegations which discloses a case of impromptu breach of law and order situation arising out of public sentiments and as no specific overt act has been attributed to the petitioners, we are of the opinion that the petitioners may be granted anticipatory bail subject to strict conditions.

Accordingly, we direct that in the event of arrest the petitioners viz., Biren Roy, Hemanta Roy and Chayan Roy 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 and on further condition that the petitioners while on bail shall not enter the jurisdiction of Rajganj Police Station except for the purposes of investigation and attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction they shall reside once in a week until

further orders and on further condition that the petitioners shall appear before the court below and pray for regular bail within a fortnight from date.

This application for anticipatory bail is, thus, disposed of.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)