

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

26.08.2019
tkm/ct 1
sl no. 34

C.R.M. 697 of 2019

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 19.8.2019 in connection with Maynaguri P.S case no. 114 of 2019 dated 17.4.2019 under sections 341/326/307/379/34 of the IPC
and

Allowed

In Re : Hirak Roy & Ors. petitioners

Mr. S. Dutta

..... for the petitioners

Mr. Sourav Ganguly

Ms. N. Das

..... for the State

Heard the learned advocates appearing for the respective parties.

It is submitted that petitioner no. 4 has been arrested. Hence, his application for anticipatory bail is dismissed as infructuous.

It is submitted on behalf of the petitioners that they have been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioners had assaulted the victim resulting in grievous injuries.

We have considered the materials on record including the statement of the victim recorded under section 161 Cr.P.C. specifically naming Papai Roy and Bhupesh Roy as two of the miscreants. Names of other accused persons were reported to the victim.

In view of the extent of complicity of the petitioner nos. 1, 2 and 5 to 12 in the alleged crime, we are inclined to grant anticipatory bail to them.

However, in view of the prima facie involvement of petitioner no. 3 in the assault of the victim as transpiring from his statement, we are not inclined to grant anticipatory bail to him.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1, 2 and 5 to 12 herein shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 697 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)