

11.11.2019
SI No.45
KB/GSD

Calcutta High Court
In the Circuit Bench at Jalpaiguri

CRM 977 of 2019

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on November 7, 2019 in connection with Falakata Police Station Case No. 377 of 2019 dated 22.7.2019 under Sections 341/326/307/34 of the Indian Penal Code, 1860.

And

In Re: Naresh Sarkar

... .. Petitioner

Mr. A. Ghosh

... for the petitioner.

Mr. Nilay Chakraborty

Mr. Sagnick Sankar Sikdar

... .. for the State.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner had only tried to separate the accused and the victim when they were fighting against each other.

Learned Counsel appearing on behalf of the State, in his usual fairness, submits that the statements of two independent witnesses recorded under Section 161 of the Code in way support the contention of the petitioner that the present petitioner tried to separate the two although the First Information Report lodged by the victim made out a prima facie case against the present petitioner

Considering the nature of allegations, the statements of independent witnesses recorded under Section 161 of the Code and the role ascribed to the petitioner in the commission of the

alleged offence, we are inclined to grant anticipatory bail to the petitioner. However, considering the nature of allegations, we think that the movement of the petitioner needs to be restricted.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer twice a week till the submission of the report in final form and on further condition that the petitioner shall not enter into the jurisdiction of Falakata Police Station until further orders except for meeting the Investigating Officer or for attending the Court and on further condition that the petitioner shall appear before the Court below and pray for regular bail within a fortnight from date.

The application for anticipatory bail being CRM 977 of 2019 is, thus, disposed of.

Certified website copies of this order if applied for, be immediately made available to the parties, subject to compliance with all requisite formalities.

(Jay Sengupta, J.)

(Subrata Talukdar, J.)