

CIRCUIT BECH OF CALCUTTA HIGH COURT

AT

JALPAIGURI

17.02.2020

Court No.01
Item No. 41
snandy

CRM 95 of 2020

(DISPOSED OF)

In Re:- An application for anticipatory bail filed under section 438 of the Code of Criminal Procedure filed on 20.01.2020 in connection with Mathabhanga Police Station Case No. 504 of 2019 dated 04.12.2019 under Sections 341/326/506 of the Indian Penal Code.

And

In the matter of : **Bijen Barman**

.....Petitioners

Mr. Sudip Guha, Advocate

....For the Petitioners

Mr. Saikat Chatterjee, Advocate

Mr. Aniruddha Biswas, Advocate

....For the State

Apprehending arrest in connection with Mathabhanga Police Station Case No. 504 of 2019 dated 04.12.2019 under Sections 341/326/506 of the Indian Penal Code, the petitioner has filed the instant application under Section 438 of the Code of Criminal Procedure praying for anticipatory bail.

We have heard learned Counsel for the petitioner as well as learned Counsel for the prosecution.

We have considered the case diary and the materials contained therein. We have noted the nature and extent of injury suffered by the victim. We have assessed the nature and gravity of the accusation. We have also gone through the statements of various persons recorded under Section 161 of the Code of Criminal Procedure.

Having considered the aforesaid as also the ratio of the

decision of the Hon'ble Supreme Court in ***Siddharam Satlingappa Mhetre Vs. State of Maharashtra & Ors.:*** (2011) 1 SCC 694; (2011 1 SCC (Crl) 514., and on an assessment of the totality of the facts and circumstances of the case, we are of the opinion that justice would be served if we pass the following order:-

- i) The petitioner shall not be arrested for a period of a fortnight from date on condition that in the meantime he will surrender to the concerned Court.
- ii) He shall be at liberty to apply for regular bail and if so applied, the Court concerned shall consider and dispose of his application in accordance with law without being influenced by anything stated in this order.

The application being **CRM 95 of 2020** is thus **disposed of.**

(Abhijit Gangopadhyay, J)

(Arijit Banerjee, J)