

23.11.2021

Item No.33

Ct.No.1

dc./gsd

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

C.R.M. 56 of 2021

CRAN 1 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Rajganj PS Case No. 137 of 2020 dated 5.9.2020 (GR Case No. 3877 of 2020) under Sections 323/324/376/506 of the Indian Penal Code.

And

In the matter of : **Batish Roy**

... Petitioner.

Mr. Jaydeep Kanta Bhomik

... for the petitioner

Mr. Arun Kumar Sarkar

Mr. Sagnik Sankar Sikdar

... For the State.

Records of the application reflect that by an order dated 16.12.2020, a Coordinate Bench of this Court was pleased to grant interim order to the present petitioner. Status Report so called for from the State has not been produced. However, the Case Diary has been produced.

The Learned Advocate for the State submits that there is no complaint regarding misuse of liberty during the period when the petitioner was on interim bail.

Having regard to the circumstances of the case, we are of the opinion that custodial detention of the petitioner may not be warranted in the facts and circumstances of the case.

Accordingly, we **allow** the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely **Batish Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer/Investigating 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 petitioner shall meet with the Investigating Officer of the case once a week until further orders or, as modified by the jurisdictional Court.

This order of anticipatory bail will remain in force for a period of eight weeks from date.

The application for anticipatory bail, being CRM 56 of 2021 along with CRAN 1 of 2021 stands disposed of.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)