

25.02.2021
Court No.1
SL No. 21
s.biswas

**THE CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)**

C.R.M. 118 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kuchlibari** P.S. Case No. **82 of 2020** dated 30.11.2020 under Sections **448/323/325/436/34** of the Indian Penal Code.

And

In the matter of: **Md. Shukaru @ Sukaru & Anr.**

....Petitioners

Ms. Jeenia Rudra
Mr. Debasish Mukhopadhyay
Ms. Madhushri Dutta

...for the Petitioners

Mr. Arun Kr. Sarkar
Mr. Abhijit Sarkar

...for the State

This is an application under Section 438 of the Code of Criminal Procedure filed on behalf of the petitioners who are apprehending of arrest in connection with Kuchlibari Police Station Case No. 82 of 2020 dated 30.11.2020 corresponding to G.R. Case No. 590 of 2020 for the alleged offence punishable under Sections 448/323/325/436/34 of the Indian Penal Code pending before the learned Chief Judicial Magistrate, Coochbehar.

It is submitted that because of the landed dispute, a case has been foisted against the petitioners. It is also pointed out that learned Sessions Judge has admitted anticipatory bail in respect of other co-accused persons.

We have considered the Case Diary but we find no material being seized to prove that the house of the de-facto complainant was burnt, and further that there is no injury report so as to consider the alleged offence committed under Section 325 of the I.P.C.

Learned advocate for State admits that there is some lacuna on the investigation itself.

Having heard the learned advocates for the petitioners and State and in consideration of the nature of offence, the petitioners are allowed to be admitted on anticipatory bail.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.5000/- (Rupees five thousand) each with two sureties of like amount each, one of whom must be local, 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.

Thus, CRM 118 of 2021 is disposed of.

(Hiranmay Bhattacharyya, J.)

(Shivakant Prasad, J.)