

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

20.09.2021
Court No.01
Item No.75
Avijit Mitra

**CRM 276 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of
the Code of Criminal Procedure;

And

In Re: Ratan Das

...Petitioner

Mr. Sudip Guha

...For the Petitioner

Mr. Abhijit Sarkar,
Mr. Biswarup Roy

...For the State

Apprehending arrest in connection with Kumargram Police
Station Case No.201 of 2020 dated 29.10.2020 under sections
341/325/307/34 of the Indian Penal Code the present application
has been preferred.

Mr. Guha, learned advocate appearing for the petitioner
submits that the petitioner has been falsely implicated. The
allegations levelled against him are unfounded. Similarly situated
co-accused persons have already been granted anticipatory bail and
upon completion of investigation chargesheet has also been filed. In
view thereof, custodial interrogation of the petitioner is not
necessary.

Mr. Chakraborty, learned advocate appearing for the State
opposes the petitioner's prayer and draws our attention to several
documents in the case diary including the injury report and the
statement of the injured.

Heard the learned advocates appearing for the respective
parties and considered the materials in the case diary and the

nature of accusations. Upon a composite reading of the statements, as recorded under Section 161 of the Code and assessment of the role attributed to the petitioner and the co-accused persons, who were all present at the place of occurrence, we are of the opinion that custodial interrogation of the petitioner is not warranted, more so when upon completion of investigation chargesheet has also been submitted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Ratan Das** shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application being C.R.M. No.276 of 2021 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)