

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

21.09.2021
Court No.01
Item No.38
Avijit Mitra

CRM 287 of 2021

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

And

In Re: Abhijit Kar @ Papai Kar @ Uria

...Petitioner

Mr. Sudip Guha

...For the Petitioner

Mr. Kallol Acharjee,
Mr. Aniruddha Biswas

...For the State

Apprehending arrest in connection with Cooch Behar Kotwali
Police Station Case No.505 of 2017 dated 12.07.2017 under
sections 302/120B of the Indian Penal Code read with Section
25(1-A)/27 of the Arms Act, the present application has been
preferred.

Mr. Guha, learned advocate appearing for the petitioner
submits that the petitioner's name did not feature in the complaint
which was treated as FIR. His name has transpired on the basis of
the statement of a co-accused and upon completion of investigation
chargesheet has been submitted including his name. The petitioner
has been roped in on the basis of mere suspicion. Out of seven
accused persons, six have already been enlarged on bail. In the said
conspectus, custodial interrogation of the petitioner is not
warranted.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of an alleged eye-witness, as recorded under Section 161 of the Code.

Prima facie, it appears that the petitioner's name has transpired on the basis of the statement of a co-accused person. Considering the extent of complicity of the petitioner and as upon completion of investigation chargesheet has been submitted way back in the year 2018 and the trial is in progress, we are of the opinion that custodial interrogation of the petitioner is not warranted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Abhijit Kar @ Papai Kar @ Uria** 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.

It is further directed that the petitioner shall appear before the learned Court below on all the dates specified for hearing and shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail, without any further reference to this Court.

The application for bail, being CRM 287 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.)