

13.12.2021
SL No.5
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 375 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 Pundibari Police Station Case No.456 of 2019 dated 02.09.2019 under Sections 341/325/326/307/354/379/506/34 of the Indian Penal Code.

And

In the matter of : **Subhashish Chowdhury & Anr.**

- Petitioners.

Mr. Subhasish Misra,
Mr. Swarup Das,
... For the Petitioners.

Mr. Tapan Bhattacharjee,
Mr. Aniruddha Biswas,
... For the State.

The learned Counsel for the petitioners submits that the petitioners have been falsely implicated in the instant case due to village rivalry and as a counter-blast to the FIR lodged by the petitioners, a false complaint has been lodged against the petitioners.

The learned Counsel for the prosecution, however, opposes the prayer for anticipatory bail.

Considering the materials available on record and having regard to the fact that the complaint appears to be prima facie is out of retaliation and also having regard to the injury sustained as

revealed from the injury report which are not life threatening, we are inclined to grant anticipatory bail to the petitioners. As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Subhashish Chowdhury** and **Anurag Sharma**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 for anticipatory bail, being CRM No.375 of 2021 is, thus, disposed of.

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

(Biswajit Basu, J.)

(Soumen Sen, J.)