

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

22.09.2021
Court No.01
Item No.31
Avijit Mitra

CRM 417 of 2021

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

And

In Re: Subal Chandra Roy

...Petitioner

Mr. Hillol Saha Poddar

...For the Petitioner

Mr. Niloy Chakraborty,
Ms. Namrata Das

...For the State

Apprehending arrest in connection with Bhaktinagar Police Station Case No.338 of 2019 dated 07.05.2019 under sections 448/506/323/376/354/34, the present application has been preferred.

Mr. Saha Poddar, learned advocate appearing for the petitioner submits that the allegations levelled are omnibus in nature and the petitioner has been falsely implicated since there was an existing civil dispute. Upon completion of investigation chargesheet has also been submitted and in view thereof, custodial interrogation is not warranted.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary and submits that the petitioner had been absconding.

Having heard the learned advocates for the parties and considering the materials in the case diary, the nature of accusations and since upon completion of investigation

chargesheet has already been submitted, we are of the opinion that custodial interrogation of the petitioner is not necessary. However, the petitioner's movement needs to be restricted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Subal Chandra Roy** 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 with further condition that the petitioner shall not enter the jurisdiction of the Bhaktinagar Police Station, save and except for meeting with the Officer-in-Charge of Bhaktinagar Police station once a week on and from 29th September, 2021 until further orders.

The petitioner shall also immediately inform the address where he would be residing to the Officer-in-Charge, Bhaktinagar Police Station.

The application for bail, being CRM 417 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.)