

28.04.2021

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AN/ Ct. No. 1

**IN THE CIRCUIT BENCH CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 452 of 2021

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Naxalbari Police Station Case No. 31/2021 dated 19.02.2021 under sections 341/427/326/307/379/34 of the Indian Penal Code, 1860 in connection with G.R. Case No. 571/2021.

And

In the matter of : **Madhab Sarkar** **... Petitioner**

Mr. Hillol Saha Poddar

... for petitioner

Mr. Niloy Chakraborty

Mr. Sourav Ganguly

... for state.

The petition under section 438 of the Code of Criminal Procedure, 1973 filed at the instance of **Madhab Sarkar** is taken up for hearing and order.

Mr. Poddar, learned advocate appears on behalf of petitioner seeking anticipatory bail. He submits, his client is resident of the locality, in which incident at the Toll Plaza took place. He has been falsely implicated as his client is a known face. He refers to order dated 20th March, 2021, passed by the Sessions Judge, Darjeeling granting anticipatory bail to a person on similar footing as petitioner. Mr. Chakraborty, learned advocate appears on behalf of State and opposes the prayer. He hands up case diary.

We have seen statements made under section 161 of the Code of Criminal Procedure, particularly, of the person who suffered injury. We have also seen the injury report. Petitioner's name has not been taken by the injured person. We find petitioner to be on similar footing as the person who was earlier granted anticipatory bail. Prayer for anticipatory bail is granted.

Accordingly, we direct that in event of arrest petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of like amount each 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, 1973.

The application for anticipatory bail is, accordingly, **allowed**.

CRM 452 of 2021 is disposed of.

(Arindam Sinha, J.)

(Rajarshi Bharadwaj, J.)