

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

22.09.2021
Court No.01
Item No.55
Avijit Mitra

CRM 473 of 2021

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

And

In Re: Dhrubajyoti Roy & ors.

...Petitioners

Mr. Hillol Saha Poddar

...For the Petitioner

Mr. Kallol Acharjee,
Mr. Sourav Ganguly

...For the State

Apprehending arrest in connection with Mathabhanga Police Station Case No.33 of 2021 dated 21.01.2021 under sections 341/323/325/326/379/506/34, the present application has been preferred.

Mr. Saha Poddar, learned advocate appearing for the petitioners submits that there was a political rivalry between the parties and the petitioners have been falsely implicated. No overt act has been attributed to the petitioners and the allegations levelled against them are absolutely unfounded. In the said conspectus, custodial interrogation is not necessary.

The learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statement of the witnesses as recorded under Section 161 of the Code and the medical reports.

Having heard the learned advocates for the parties and considering the materials in the case diary, the nature of accusations, the extent of complicity of the petitioners in the alleged

offence, we are of the opinion that custodial interrogation of the petitioners is not warranted, more so when in view of the political rivalry between the parties, the issue of false implication cannot be totally ruled out.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Dhrubajyoti Roy, Tapan Kumar Roy @ Tapan Roy, Babla Roy, Jiten Barman and Naren Roy @ Naren Barman @ Narendra Barman** shall be released on anticipatory 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 with further condition that the petitioners shall not enter the jurisdiction of the Mathabhanga Police Station, save and except for meeting with the investigating officer of the case once a week on and from 29th September, 2021 until further orders.

The application for bail, being CRM 473 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.)