

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

28.09.2021

Court No.01
rpan / **22**

C.R.M. 513 of 2021

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

And

In Re : **Dhiren Chettri & Another**

- Petitioners.

Mr. Urgen Lama

... for the petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP,

Mr. Ujjwal Luksom,

Mr. Aniruddha Biswas

... for the State.

Apprehending arrest in connection with Gorubathan Police Station Case No.03 of 2021 dated 10.01.2021 under Sections 427/323/307/34 of the Indian Penal Code, the petitioners have preferred the present application.

The learned advocate appearing for the petitioners submits that in view of a political enmity between the parties, the petitioners have been falsely implicated. There was a case and counter-case. Pertaining to the same incident, a complaint was lodged by one Salim Subba, which was registered as Gorubathan Police Station Case No.02 of 2021 dated 10th January, 2021. In the said case, the *de facto* complainant herein, was granted anticipatory bail by a coordinate Bench of this Court. In the said conspectus, custodial interrogation of the petitioners is not necessary, more so when, the principal accused, Salim Subba, had already been enlarged on bail by the learned court below.

Mr. Chakraborty, learned Additional Public Prosecutor appearing for the State opposes the petitioners' prayer and draws our attention to the statement of a witness, as recorded under Section 161 of the Code and the injury report.

Having heard the learned advocates and considering the materials in the case diary, the injury report, the nature of accusations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation is not warranted.

Accordingly, we direct that in the event of arrest, the petitioners, namely, **Dhiren Chettri** and **Joseph Rai** 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 with a further condition that they shall meet with the investigating officer once in a week on and from 4th October, 2021 until further orders.

The application for anticipatory bail, being CRM 513 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.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)