

15.06.2021

Court No. 30
Item No. 2(J)
nandy/seth

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

(Via Video Conference)

(partly allowed)

CRM 602 of 2021

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 13.05.2021 in connection with Boxirhat Police Station Case No. 19 of 2021 dated 16.02.2021 under Sections 448/325/326/307/354/506/34 of the Indian Penal Code.

and

In the matter of: **Dipesh Das @ Dwipesh Das & Ors.**

..... Petitioners

Md. Sabir Ahmed, Advocate

Mr. Hillol Saha Poddar, Advocate

Ms. Arpita Saha, Advocate

.....for the Petitioners

Mr. Tapan Bhattacharya, Advocate

..... for the State

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that the petitioner no. 5 was arrested and as such, the application be treated as a petition on behalf of petitioner nos. 1 to 4 and 6 and 7.

Accordingly the prayer for anticipatory bail of the petitioner no. 5 is **dismissed as 'not pressed'**.

Learned Advocate appearing for the petitioners submits that the First Information Report says that there is a long-standing dispute between the de facto complainant and the petitioners.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail. On a query from the Court as to the injury, he submits that the victim suffered head injury. He also submits that the medical report does not specify the nature of the injury as to whether it is grievous or not.

Considering the rival contentions of the parties, we are inclined to grant anticipatory bail to the petitioner nos. 1 to 4 and 6 and 7.

As such, the prayer for anticipatory bail is **allowed** in respect of petitioner nos. 1 to 4 and 6 and 7.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1 to 4 and 6 and 7, shall be released on bail upon furnishing a bond of Rs.10,000/- each (Rupees Ten thousand only), with two sureties of like amount each, 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 and on further condition that the petitioner nos. 1 to 4 and 6 and 7 shall meet the Investigating Officer once in month.

The application being **CRM 602 of 2021** accordingly **disposed of**.

(Debangsu Basak, J.)

(Aniruddha Roy, J.)