

08.06.2021
AJ./S.B.,ct 28
Sl no. 02 (P.B.)

C.R.M. 605 of 2021

(Via Video Conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 19.05.2021 in connection with Matigara P.S. Case No. 291 of 2021 dated 26.04.2021 under Sections 341/323/326/506 of the Indian Penal Code.

And

Allowed

In Re : **Shirish Sarkar. @ Dangu.** petitioner.

Mr. Hillol Saha Poddar. for the petitioner.

Mr. Tapan Bhattacharya,
Ms. Namrata Das. for the State

This application for anticipatory bail has been filed apprehending arrest in connection with Matigara P.S. Case No. 291 of 2021 dated 26.04.2021 under Sections 341/323/326/506 of the Indian Penal Code.

The matter since pending before the learned Additional Chief Judicial Magistrate, Siliguri.

It is submitted that the de-facto complainant was engaged in the business of selling liquor without appropriate permission.

The petitioner is stated to have opposed such sale. The petitioner also claims to have been assaulted by the de-facto complainant and their family.

There is a counter-complainant filed by the petitioner against the de-facto complainants.

Since no detailed injury report has been produced before this Court and since the injuries are not so serious, this Court is of the view that the application for anticipatory bail must be allowed.

Accordingly, in the event of arrest the petitioner shall be released on bail subject to satisfaction of conditions under Section 438(2) of Code of Criminal Procedure, 1973 and upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Investigating Officer until further orders and shall not intimidate witnesses or tamper with evidence in any manner

whatsoever and on further condition that the petitioner shall not enter the jurisdiction of the concerned Police Station except for the purpose of investigation and shall provide the address where he shall reside while on bail to the Investigating Officer and shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders. The petitioner shall surrender his passport to the Investigating Officer and if he does not possess a passport, shall submit an affidavit to that effect before the Investigating Officer.

In event of violation or breach of any of the conditions, this order shall be treated to be cancelled without further reference to this court.

The application for anticipatory bail being CRM 605 of 2021 is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)