

16.06.2021.
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(Allowed).

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

C.R.M. 629 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jaigaon P.S. Case No.69 of 2021 dated 07.05.2021 under Sections 341/324/379/34 of the Indian Penal Code and adding Section 382 of the Indian Penal Code.

In the matter of : Ashish Sharma.

... Petitioner.

Mr. Hillol Saha Poddar,
Mr. Md. Sabir Ahmed.

...for the Petitioner.

Mr. Nilay Chakraborty.

.....for the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Jaigaon P.S. Case No.69 of 2021 under Sections 341/324/379/34 of the Indian Penal Code and adding Section 382 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

It is submitted on behalf of the petitioner that his name does not transpire in the First Information Report but subsequently he has been implicated without any complicity to the alleged offence committed by the other co-accused. It is

further submitted that the other co-accused has already been enlarged on bail by the court below and, therefore, the petitioner is entitled to an immunity from arrest.

Learned Advocate appearing for the State submits that the petitioner is a mastermind and, in fact, plotted the entire incident. There was a scuffle between the co-accused and the complainant, who suffered injuries.

After hearing the respective submissions and the materials placed before us including the submissions advanced by the learned Public Prosecutor that the medical report does not suggest grievous injury suffered by the complainants and, furthermore, the co-accused has already been enlarged on bail and the present petitioner has been implicated in connection with the aforesaid case being the kingpin of such incident, we do not find any justification in not extending the immunity to the petitioner from arrest.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner viz., Ashish Sharma, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount, subject 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 and on further condition that the petitioner shall meet the Investigating Officer once in a week and shall not leave the jurisdiction of the

concerned Police Station without prior permission of the concerned Court.

This application for anticipatory bail is, thus, disposed of.

(Harish Tandon, J.)

(Subhasis Dasgupta,J.)