

08.07.2021

Court No.28
Item No. JB-02
nandy

(antibail - granted)

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

(Via Video Conference)

CRM 661 of 2021

In Re:- An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 11.06.2021 in connection with Tufanganj Police Station Case No. 512 of 2017 dated 13.12.2017 under Sections 448/326/307/302/34 of the Indian Penal Code.(G.R. Case No. 677 of 2017)

and

In the matter of: **Mithun Das & Ors.**

.....Petitioners

Mr. Sabir Ahmed, Advocate

Mr. Hillol Saha Poddar, Advocate

.....for the Petitioners

Mr. Aditi Sankar Chakraborty, learned A.P.P.

Mr. Aniruddha Biswas, Advocate

.....for the State

Advocate-on-record of the petitioners undertake 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 Tufanganj Police Station Case No. 512 of 2017 dated 13.12.2017 under Sections 448/326/307/302/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

Learned Advocate for the petitioners submits that the petitioners have been falsely implicated in this case without any overt act performed, attributable to the conduct of the petitioners. It is further submitted that the names of the accused persons were not disclosed in the dying declaration of the deceased and charge-sheet having already submitted in this case, custodial interrogation of the

petitioners is unnecessary.

Learned Advocate for the State raises objection against the prayer for anticipatory bail. It is submitted that the accused persons are named in the FIR, though the names of the petitioners were not disclosed in the dying declaration of the deceased.

Having considered the submissions of both sides and bearing in mind that some of the co-accused persons are now on bail”, whose names were not disclosed in the dying declaration of the deceased, and the names of the petitioners also remained undisclosed in the dying declaration of the deceased, we find that custodial interrogation is not a must in this case.

The prayer of anticipatory bail is considered and **allowed**.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two registered sureties of like amount each, to the satisfaction of the arresting officer of the concerned police station and on further condition that the petitioners shall meet the Investigating Officer of the case once in month and on further condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being **CRM 661 of 2021** is thus **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)

