

20.07.2021

Court No.28
Item No.7
(ALLOWED)

ab/saswata

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

(Via Video Conference)

CRM 677 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Alipurduar Police Station Case No. 96 of 2021 dated 24.03.2021 under Sections 341/326/307/379 of the Indian Penal Code;
And

In the matter of : **Prasenjit Roy @ Hang.**

...Petitioner

**Mr. Pravas Bhattacharya,
Mr. Suman De.**

...For the Petitioner

**Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Sourav Ganguly.**

...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 Alipurduar Police Station Case No. 96 of 2021 under Sections 341/326/307/379 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case out of a family dispute pending between the parties residing in the selfsame locality, which has given to village rivalry between them. It is further submitted that petitioner is a permanent resident of the locality having his independent hearth and home and there is no chance of abscondence.

Learned Advocate for the State raises objection against the prayer for pre-arrest bail. It is submitted that the victim was beaten up

severely giving rise to his head injury and the name of the petitioner has been successfully and sufficiently transpired in the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure.

Our attention is drawn to the injury report in order to reveal the extent of injuries suffered by the victim, which is of course categorized as simple in nature.

Having considered the submissions of both sides and bearing in mind the nature of injury suffered by the victim, we are of the considered view that custodial interrogation of the petitioner in this case is not necessary.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the condition that the petitioner shall meet the Investigating Officer once in a week and shall also make himself available as and when required by the Investigating Officer. Apart from the aforesaid conditions, the conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973 shall also be observed and followed by the petitioner.

CRM 677 of 2021 is, thus, **allowed**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)