

08.07.2021

Court No.28
Item No.06
(Allowed)

akd
&
as

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT**

JALPAIGURI

(Via Video Conference)

CRM 699 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Sitalkuchi Police Station Case No. 86 of 2021, dated 14.04.2021 under Sections 447/323/326/34 of the Indian Penal Code (G.R. Case No. 319 of 2021);

And

In the matter of : **Dilip Barman & Ors.**

...Petitioners

**Mr. Hillol Saha Poddar,
Ms. Arpita Sah.**

...For the Petitioners

**Mr. Tapan Bhattacharjee,
Ms. Namrata Das.**

...For the State.

The Advocate on Record of the petitioners 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 Sitalkuchi Police Station Case No. 86 of 2021 under Sections 447/323/326/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

Learned Advocate for the petitioners submits that following a boundary dispute with the de facto complainant, the petitioners have been falsely implicated in this case. It is further submitted that the petitioners are neighbours and their detention in custody is no longer required.

Learned Advocate for the State raises objection against the prayer for anticipatory bail. It is submitted that the victim suffered head injury and the CT scan report revealed that the victim had suffered fractured injury.

Having considered the submissions of both sides and bearing in mind the nature of injury sustained by the victim with reference to

the nature of alleged weapon used in the crime, and further the petitioners, being neighbours of the de facto complainant and the injured as well having their independent hearth and home in the locality, we are of the view that the custodial interrogation of the petitioners is not necessary.

The prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, to the satisfaction of the arresting officer of the concerned police station and on conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being CRM 699 of 2021 is thus **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)