

11.08.2021
Item no.2.
Court No.32.
AB
(Allowed)

**In the High Court at Calcutta
Circuit Bench at Jalpaiguri**

(Via Video Conference)

CRM No. 717 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 28.06.2021 in connection with Maynaguri Police Station Case No.40 of 2021 Dated 18.01.2021 under Sections 302/34 of the Indian Penal Code

And

In the matter of : Manik Sen

.....Petitioner.

Ms. Madhushri Duttafor the Petitioner.

Mr. A. S. Chakraborty, Ld. APP,
Mr. Sourav Gangulyfor the State.

The charge against the petitioner and four other accused persons is under Sections 302/34 of the Indian Penal Code.

The petitioner says that he was not present at the spot when the incident happened. There are no eyewitnesses. There is a political angle to the case. The entire case is based on circumstantial evidence. Four out of five accused persons have been granted bail after having been arrested. Charge sheet has been submitted.

Learned Advocate for the State opposes the prayer for anticipatory bail.

We have considered the facts and circumstances of the case. Having considered the material on record and the nature of the allegations as also the fact that four out of five accused persons are out on bail, we are of the opinion that the petitioner's prayer for anticipatory bail may be allowed so long as he cooperates with further investigation, if any.

Accordingly, 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.717 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)

