

16.12.2021  
Court No.01  
Item No. 62  
Allowed  
sg

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

**CRM 739 of 2021  
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sitai Police Station Case No. 100 of 2013 dated 22.07.2013 under Sections 147/148/149/324/325/326/302 of the Indian Penal Code.

And

In Re : **Bimal Barman**

Petitioners

Mr. Sudip Guha

For the Petitioners

Mr. Aditi Shankar Chakraborty, APP

Mr. A.K. Sarkar

Mr. T. Bhattacharjee

Mr. Biswarup Roy

For the State

The report filed by the ASI, Sitai Police Station, Cooch Behar is taken on record.

The report prima facie shows that the accused namely, Bimal Roy and Bimal Barman are one and the same person. However, the said report is not conclusive but only on prima facie.

Having considered the materials on record and bearing in mind the nature and complicity of the petitioner in the commission of alleged offence as well as with regard to the fact that most of the co-accused persons, similarly placed as that of the present petitioner, were granted bail and few other were granted anticipatory bail and also having regard to the fact that the charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Bimal Barman**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and the petitioner shall meet the Officer-in-Charge of the Sitai Police Station once in a month or until further order.

The petitioner shall attend the learned Court below on each and every date of hearing. In default, the learned Trial Court shall be at liberty to cancel his bail without any further reference to this Court.

The prayer for anticipatory bail is allowed and CRM 739 of 2021 is accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Biswajit Basu, J)**

**(Soumen Sen, J)**