

20.07.2021.
19.
Akd/As
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

**C.R.M. 720 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kalimpong P.S. Case No.86 of 2021 dated 22.04.2021 under Sections 279/323/332/186/353/307 of the Indian Penal Code read with Section 179 of M. V. Act.

In the matter of : Dipal Mukhia.

... Petitioner.

Mr. Ranjit Singh.

.....for the Petitioner.

Mr. Ujjal Luksom,
Mr. Biswarup Roy.

.....for the State.

Leave is granted to file the certified copy of the order passed by the court below.

Apprehending arrest in connection with Kalimpong P.S. Case No.86 of 2021 under Sections 279/323/332/186/353/307 of the Indian Penal Code read with Section 179 of M. V. Act, the petitioner has filed the instant application for anticipatory bail.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case as he had no intention to flout the signal shown by the police officer for intercepting his vehicle out of suspicion, while he was carrying his neighbours in connection with a delivery issue to hospital. It is further submitted that the injured police man suffered

injury in consequence of an accidental fall, to which the petitioner had no active contribution.

Learned Advocate for the State raises objection against the prayer for pre-arrest bail showing the injury sustained by the injured police man. It is further submitted that on the basis of source information, police tried to intercept the vehicle driven by the petitioner and while intercepting the vehicle, the petitioner driving the vehicle fled away in a rash and negligent manner.

Having considered the submissions of both sides and bearing in mind the extent of injuries suffered by the injured police man, we are of considered view that custodial interrogation of the petitioner 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, subject to the satisfaction of the arresting officer and on conditions as enshrined under Section 438(2) of the Code of Criminal Procedure, 1973.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 720 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Subhasis Dasgupta,J.)

