

29.07.2021

Court No.28
Item No.17
(Allowed)

Akd
&
As

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI

CRM 725 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Dinhata Station Case No. 231 of 2021, dated 07.05.2021 under Sections 143/341/323/325/307/427/353 of the Indian Penal Code.

And

In the matter of : **Anik Chakraborty @ Babai**
...Petitioner

Mr. Surajit Basu,
Mr. Ratan Chandra Roy.

...For the Petitioner

Mr. Aditi Sankar Chakraborty, Ld. A.P.P.,
Mr. Arun Sarkar,
Mr. Tapan Bhattacharyya.

...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.

The incident sparked off as a result of post poll violation between the two political parties. The petitioner, namely Anik Chakraborty @ Babai has prayed for bail on the ground that he was falsely implicated in the instant case. His name does not transpire during the course of investigation. He is the victim of political vendetta. And he may be released on bail.

Learned Public Prosecutor-in-Charge has raised serious objection against the prayer for bail.

We have meticulously perused the case diary. Practically the injured persons did not take the name of the petitioner as one of the assailants. The incident took place between the two groups of rival political parties. The presence of the petitioner in any of the groups cannot be ascertained from the materials available in the case diary.

Therefore, we are inclined to release the petitioner on bail.

Accordingly, the petitioner, **Anik Chakraborty @ Babai**, shall

be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar, subject to the condition that the petitioner shall meet the Investigation Officer once in a fortnight until further order. In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail, being CRM 725 of 2021, is thus **disposed of.**

(Harish Tandon, J)

(Bibek Chaudhuri,J.)