

10.08.2021

Court No.28
Item No.JL-7
(ALLOWED)

Saswata

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

(Via Video Conference)

CRM 741 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Pundibari Police Station Case No. 154 of 2021 dated 29.03.2021 under Sections 341/323/447/307/34 of the Indian Penal Code read with Sections 25(1)(a)/27 of the Arms Act, 1959;
And

In the matter of : **Amar Dip Bania @ Amar Dwip Baniya**
...Petitioner

Mr. Hillol Saha Podder

... For the petitioner

Mr. Aditi Sankar Chakraborty, APP
Mr. Tapan Bhattacharjee

...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 Pundibari Police Station Case No. 154 of 2021 under Sections 341/323/447/307/34 of the Indian Penal Code read with Sections 25(1)(a)/27 of the Arms Act, 1959, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

According to the petitioner, his name does not transpire in the F.I.R.. It appears from the record that the F.I.R. named person has been granted the benefit of anticipatory bail.

Learned Advocate for the State is fair enough to submit that the injury report does not reveal any grievous injury caused to the victim.

In view of the above facts, we do not find any ground for custodial interrogation of the petitioner.

The prayer for anticipatory bail of the petitioner is, thus, ***allowed***.

Accordingly, we direct that in the event of arrest, the petitioner shall be

released on bail upon furnishing a bond of ` 10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and he shall meet the Investigating Officer once in a week and shall cooperate with the investigation process and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail being CRM 741 of 2021 is, thus, ***disposed of.***

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)