

17.08.2021.
12.
As/Akd
(Allowed)

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

**C.R.M. 759 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Dinhata P.S. Case No.160 of 2021 dated 04.04.2021 under Sections 341/323/325/307/34 of the Indian Penal Code.

In the matter of : Sonatanan Roy @ Sanatan Roy & Ors.
... Petitioners.

Mr. Hillol Saha Poddar.
.....for the Petitioners.

Mr. Kallol Acharjee,
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 Dinhata P.S. Case No.160 of 2021 dated 04.04.2021 under Sections 341/323/325/307/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail.

Twenty numbers of petitioners have joined in the instant application praying for anticipatory bail.

It is submitted by the learned Advocate for the petitioners that the petitioners have been implicated in this case only due to political rivalry.

It appears that except Section 307 of the Indian Penal Code, all other offences are bailable in nature. So far as the ingredients of Section 307 of the Indian Penal Code is concerned, there is almost nothing in the Case Diary except the

injury reports of one Sk. Enamul, Majidul and Mobarak. They are the sons and husband of the de-facto complainant respectively. They sustained simple injury as per the injury report. Therefore, the ingredients of Section 307 of the Indian Penal Code is prima facie absent.

Hence, the petitioners are entitled to the benefit of Section 438 of the Code of Criminal Procedure. This application for anticipatory bail is, thus, allowed.

Accordingly, we direct that in the event of arrest the petitioners shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local subject to the satisfaction of the arresting officer and on condition that they shall meet the Investigating Officer as and when called for and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Default without any plausible reason on a solitary occasion to appear before the Investigating Officer may entitle the prosecution to apply for cancellation of the liberty granted in this order and if such approach is made, the concerned Court would decide the same independently without any further reference to this Court.

The application for anticipatory bail, being CRM 759 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)