

14.
13-08-2021
(ct. no.32)
KOLE
Allowed

In the Circuit Bench At Jalpaiguri
(Via Video Conference)
CRM 788 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ghoksadanga Police Station** Case No. **145 of 2021** dated **06.05.2021** under Sections **323/326/307/506/34** of the Indian Penal Code.

- A n d -

In the matter of : Gautam Barman @ Gautam Chandra Barman & Ors.

.... Petitioner.

Mr. Hillol Saha Poddar,

... For the Petitioner.

Mr. Abhijit Sarkar,
Mr. Saikat Chatterjee,

... For the State.

Learned Advocate for the petitioner submits that during the pendency of the present application, the petitioner nos. 2, 3 and 5 have been arrested. As such the prayer, in so far as the petitioner nos. 2, 3 and 5 are concerned, stands rejected as not pressed.

In so far as the other petitioners are concerned, it is submitted that they have been falsely implicated due to political rivalry. Three of the accused persons have been granted bail by the Learned Court below. There is no material against the petitioners to connect them with the alleged offence.

The State produces the case diary and refers to the injury report of the victim as well as statements of witnesses recorded under Section 161 of the Code.

We have seen the material in the case diary. The victim has been discharged from the hospital. Three of the co-accused have been granted regular bail. No specific overt act has been attributed to any of the petitioners. In view of the material in the case diary as well as nature and gravity of the allegations and probable complicity of the petitioners in the alleged offence, although the investigation is in progress, we are inclined to hold that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure and shall meet the Investigating Officer once in a fortnight until further orders.

In the event the petitioners fail to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference of this Court.

The application for anticipatory bail being CRM 788 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)