

10.08.2021

Court No.28
Item No.JL-13
(ALLOWED)

Saswata

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

(Via Video Conference)

CRM 778 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Samuktala Police Station Case No. 86 of 2021 dated 04.05.2021 under Sections 341/326/307/34 of the Indian Penal Code;

And

In the matter of : **Mantosh Dakua & Ors.**

...Petitioners

Mr. Hillol Saha Podder

... For the petitioners

Mr. Aditi Sankar Chakraborty, APP

Mr. Ujjal Luksom

Mr. Tapan Bhattacharya

...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 Samuktala Police Station Case No. 86 of 2021 under Sections 341/326/307/34 of the Indian Penal Code, the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

13 (Thirteen) persons have joined together in the instant application seeking anticipatory bail apprehending arrest in connection with the aforementioned case.

According to the learned Advocate for the petitioner, the instant case has been lodged due to a political rivalry, when no such incident happened.

The State opposes the prayer for bail and submits that 3 (three) persons have received injuries.

After perusing the medical examination report and the nature of the injuries, we find that the same are simple in nature and, therefore, we do not find any justification of custodial interrogation of the petitioners.

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

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of `5,000/- (Rupees Five Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and the petitioners shall meet the Investigating Officer once in a fortnight 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 778 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)