

10. 11.08.2021

Ct.32

Tanmoy

Allowed

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

(Through Video Conference)

C.R.M. 787 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **29/07/2021** in connection with **Dinhata Police Station Case No. 170 of 2021** dated **12/04/2021** under Section **307** of the Indian Penal Code read with Sections **25(1-A)/27** of the Arms Act.

And

In the matter of: - **Mijanur Haque @ Mija & Ors.**

....petitioners.

Mr. Kallol Mondal,
Mr. A. Ghosh,
Mr. Sudip Guha,
Ms. Amrita Chel

...for the petitioners (through V.C.)

Ms. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom,
Mr. Sourav Ganguly

...for the State (through V.C.)

Allegation against the petitioners is under Section 307 of the Indian Penal Code read with Sections 25(1-A)/27 of the Arms Act. It is submitted on behalf of the petitioners that they have been falsely implicated. Allegation against them is general in nature as only one gunshot injury was found on the person of the victim whereas, five persons have been arraigned.

Learned Counsel for the State opposes the prayer for anticipatory bail and refers to statements of several witnesses in

the Case Diary. It is submitted that investigation is still in progress and custodial interrogation of the petitioners is required for recovery of the firearm.

We have considered the material in the Case Diary. It is a fact that the victim suffered one bullet injury. No specific overt act has been attributed to any of the petitioners. No recovery has also been made from them till date, though investigation is in progress.

In the circumstances and regard being had to the nature of allegations as well as the material available in the Case Diary, we are inclined to hold that immediate custodial interrogation of the petitioners is not necessary and they may be granted anticipatory bail so long as they co-operate 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.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The prayer for anticipatory bail is, thus, **allowed**.

The application being C.R.M. 787 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)