

05.08.2021

Court No.28
Item No.15
(ALLOWED)

Saswata

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

(Via Video Conference)

CRM 782 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Boxirhat Police Station Case No. 76 of 2021 dated 23.04.2021 under Sections 341/323/324/325/326/379/506/34 of the Indian Penal Code (G.R. Case no. 242 of 2021).;

And

In the matter of : **Ichhab Sekh @ Rafikul Sekh & Ors.**
...Petitioners

Ms. Arpita Saha
Mr. Hillol Saha Podder

...For the Petitioners

Mr. Nilay Chakraborty
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 Boxirhat Police Station Case No. 76 of 2021 under Sections 341/323/324/325/326/379/506/34 of the Indian Penal Code (G.R. Case no. 242 of 2021), the petitioners have filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

It is submitted by the learned Advocate for the petitioners that the petitioner nos. 2 and 4 of the instant petition were arrested by the Investigating Officer and later on released by the Trial Court on bail. She, therefore, does not press the application for these petitioners.

She moves the application for petitioner nos. 1 and 3. It is submitted that there is no active role played by these petitioners to the commission of an offence and the injury does not support the commission of such offence.

The State opposes the prayer for bail.

Our attention is drawn to the medical examination report, wherefrom, it appears that the injury was caused with a plastic chair and the doctor could not give a firm opinion whether it is grievous or not. Since two of the co-accused have been enlarged on bail and the investigation is still going on, we do not find that custodial interrogation of the petitioner nos. 1 and 3 is at all

necessary and the prayer for anticipatory bail of the petitioner nos. 1 and 3 is, thus, ***allowed***.

Accordingly, we direct that in the event of arrest, the petitioner nos. 1 and 3, namely, Ichhab Sekh @ Rafikul Sekh and Najimuddin Sekh, shall be released on bail upon furnishing a bond of ₹10,000/- (Rupees Ten Thousand only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and they shall meet the Investigating Officer once in a week or as and when called for and shall cooperate with the Investigating Officer in making the investigation 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 782 of 2021 is, thus, ***disposed of***.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)