

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

24.09.2021

Court No.01
rpan /23

C.R.M. 890 of 2021

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Abuyal Azad @ Abual Ajad**
- Petitioner.

Mr. Kallol Mondal (through V.C.),
Mr. Sudip Gua
... for the petitioner.

Mr. Ujjwal Luksom,
Mr. Aniruddha Biswas
... for the State.

Apprehending arrest in connection with Dinhata Police Station
Case No.371 of 2021 dated 19.07.2021 under Sections
341/326/307/34 of the Indian Penal Code read with Sections
25(1-A)/27 of the Arms Act and 3/4 of the Explosive Substance Act,
the petitioner has preferred the present application.

Mr. Mondal, learned advocate appearing for the petitioner
submits that the petitioner has been falsely implicated in view of the
political dispute amongst the parties. Four co-accused persons have
already been granted anticipatory bail by a co-ordinate Bench of this
Court. The petitioner is similarly situated with the said co-accused
persons. No overt act has been attributed to the petitioner and in the
said conspectus, custodial interrogation of the petitioner is not
necessary. Let a copy of the order passed by the co-ordinate Bench of
this Court be kept on record.

Mr. Luksom duly assisted by Mr. Biswas, learned advocates
appear on behalf of the State and oppose the petitioner's prayer and

draw our attention to several documents in the case diary, including the statement of the injured witness, as recorded under Section 161 of the Code.

In the earlier order passed by the co-ordinate Bench of this Court on 25th August, 2021 it has *inter alia* been observed that the nature and gravity of the injury was not life threatening. The injured witness has not mentioned the name of the petitioner in the statement, as recorded under Section 161 of the Code. Considering the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner **Abuyal Azad @ Abual Ajad** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that he shall co-operate with the investigation and meet with the investigating officer of the case once in a week on and from 30th September, 2021 until further orders.

The application for anticipatory bail, being CRM 890 of 2021 is, thus, disposed of.

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

(Abhijit Gangopadhyay, J.)

(Tapabrata Chakraborty, J.)