

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

24.09.2021
Court No.01
Item No.33
Avijit Mitra

CRM 919 of 2021

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

And

In Re: Ayon Sarkar & ors.

...Petitioners

Mr. Surojit Basu,
Mr. Ratan Chandra Roy

...For the Petitioners

Mr. Tapan Bhattacharjee

...For the State

Apprehending arrest in connection with Dinhata Police Station Case No.231 of 2021 dated 07.05.2021 under sections 143/341/323/325/307/427/353 of the Indian Penal Code, the present application has been preferred.

Mr. Basu, learned advocate appearing for the petitioners submits that in view of the political rivalry the petitioners have been falsely implicated. No overt act has been attributed to the petitioners, who are primary school teachers. In support of such contention he has drawn the attention of the Court to the documents annexed at pages 9 to 13 of the present application. There is also no likelihood that the petitioners would flee from justice. In the said conspectus, the petitioners may be granted anticipatory bail on any stringent condition.

Mr. Bhattacharjee, learned advocate appearing for the State opposes the petitioners' prayer and draws our attention to the statements of the witnesses, as recorded under Section 164 of the Code and the injury reports. He further submits that investigation

is yet not complete and there are incriminating materials against the petitioners.

We have heard the learned advocates appearing for the respective parties and considered the materials on record. *Prima facie*, as the petitioners are primary school teachers, there is no likelihood that they would flee from justice or would interfere with the investigation. Considering the nature of allegations and the extent of complicity of the petitioners in the alleged offence, we are of the opinion that custodial interrogation of the petitioners is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest the petitioners, namely, **Ayon Sarkar, Pintu Modak and Dharmendra Singha** shall be released on anticipatory 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with further condition that the petitioners shall meet with the investigating officer once a week on and from 30th September, 2021 until further orders.

The application for bail, being CRM 919 of 2021, is 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.)

