

14.12.2021
SL No.24
Court No.1
AJ

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 949 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed 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, 1860 read with Sections 25(1-A)/27 of the Arms Act and 3/4 of the Explosive Substances Act.

And
In the matter of : **Hamidul Haque & Ors.**
... .petitioners.

Mr. Sudip Guha.
... For the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Aniruddha Biswas.
... For the State.

The learned Counsel for the petitioners submits that the petitioners have been falsely implicated and due to political rivalry a false case has been instituted against the petitioners.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that their names were specifically mentioned in the statement recorded under Section 164 of the Code of Criminal Procedure.

Having considered the materials available on record and the fact that four co-accused persons similarly placed as that of the present petitioners have already been granted anticipatory bail by a co-ordinate Bench of this Court and no overt act has been

attributed to the petitioners. In the said conspectus, custodial interrogation of the petitioners is not necessary.

We have also taken note of the earlier order dated 25th August, 2021 where, inter alia, it was observed that the nature and gravity of the injury was not life threatening.

As such, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners 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 and on further condition that they shall co-operate with the investigation and meet with the Investigating Officer of the case once in a week until further orders.

The application for anticipatory bail, being CRM No.949 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.

(Biswajit Basu, J.)

(Soumen Sen, J.)