

13.12.2021
SL No.40
Court No.1
AJ

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

**CRM 1012 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 Sahabganj Police Station Case No.304 of 2021 dated 27.06.2021 under Sections 498A/307 of the Indian Penal Code 1860 corresponding to G.R. Case No. (1)372 of 2021.

And

In the matter of : **Bikash Roy.**

....petitioner.

Mr. Hillol Saha Poddar.

... For the Petitioner.

Mr. Kallol Acharjee,

Mr. Sourav Ganguly.

... For the State.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated and all the co-accused persons are presently on bail.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the petitioner was absconding. However, he submits that the charge sheet has already been filed.

Considering the materials available on record and the nature and involvement of the petitioner in the commission of alleged offence, the injury report and having regard to the fact that all the co-accused persons are presently on bail and the charge sheet has

already been filed, no custodial interrogation of the petitioner is necessary.

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

Accordingly, we direct that in the event of arrest the petitioner, namely, **Bikash Roy**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 the petitioner shall not leave the jurisdiction of the concerned Police Station without the leave of the Investigating Officer of the concerned Police Station.

The order shall remain valid for a period of six weeks from date within which the petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Dinhata to obtain regular bail.

The application for anticipatory bail, being CRM No.1012 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.)