

17.12.2021
SL No.09
Court No.1
AJ/SM

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

**CRM 1043 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 Maynaguri Police Station Case No.382 of 2021 dated 27.07.2021 under Sections 306/34 of the Indian Penal Code, 1860.

And

In the matter of : **Prasenjit Roy & Ors.**
... .petitioners.

Ms. Madhushri Dutta.
... For the Petitioners.

Mr. Kallol Acharjee,
Mr. Biswarup Roy.
... For the State.

The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated. It is also submitted that the petitioners are similarly placed with the accused persons who were granted bail by a co-ordinate Bench on 24th September, 2021.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail but fairly submits that the present petitioners are standing on the same footing as that of Mahesh Roy and another who were granted anticipatory bail by a co-ordinate Bench in CRM No. 893 of 2021 on 24th September, 2021.

Having heard the learned Counsel for the respective parties and having considered materials available in the case diary and

the nature of acquisitions and extent of complicity of the petitioners in the alleged offence and also having regard to the fact that the persons similarly placed that of the present petitioners were granted bail by a co-ordinate Bench on 24th September, 2021, we are of the opinion that the custodial interrogation of the petitioners are not warranted in the facts of the present case.

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

Accordingly, we direct that in the event of arrest the petitioners, namely, **Prasenjit Roy, Manab Roy and Jyotish Roy** 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 until further orders.

The application for anticipatory bail, being CRM No.1043 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.)