

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL APPELLATE JURISDICTION**

02.12.2021
Sl. No. 22
k.b. /b.r.
Crt.1
granted

**CRM 1063 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Alipurduar P.S. Case No. 138/2021 dated 05.05.2021 for alleged offences punishable under Sections 302/341/34 of the Indian Penal Code.

And

In the matter of: **Arbinda Barman @ Bhaisal Barman and ors.**

....Petitioners.

Mr. Pravas Bhattacharya

...for the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. APP
Mr. Aniruddha Biswas

.....for the State.

This is an application for anticipatory bail.

Although the offences connected to the complaint are serious in nature, from the statements of the eye witnesses as produced from the Case Diary by Learned State Counsel, it transpires that the petitioner nos. 7 and 9 had *prima facie* a direct role to play in the commission of the alleged heinous offence.

Since the other petitioners namely, Arbinda Barman @ Bhaisal Barman, Santosh Barman, Nirmal Roy, Nitya Gopal Roy, Sujay Barman, Biswajit Roy, Nikhil Roy and Shambhu Roy appear *prima facie* not to have played a direct role in the commission of the alleged offence, this Court is persuaded to treat them on a different footing.

Accordingly, upon hearing the parties and on perusal of the materials placed, this Court rejects the prayer for anticipatory bail of Chiranjit Roy and Ukhil Roy, the petitioner nos. 7 and 9.

It is further directed that in the event of arrest, the petitioners, namely, **Arbinda Barman @ Bhaisal Barman, Santosh Barman, Nirmal Roy, Nitya Gopal Roy, Sujay Barman, Biswajit Roy, Nikhil Roy and Shambhu Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall not intimidate the witnesses nor shall tamper with the evidence and on further condition that the petitioners shall meet with the Investigating Officer of the concerned police station once a week.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(**Tirthankar Ghosh, J.**)

(**Subrata Talukdar, J.**)

