

17.12.2021
Court No.01
Item No. 26

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

sg

**CRM 1149 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kalchini Police Station Case No. 103 of 2018 dated 10.07.2018 under Sections 448/323/326/307/506/34 of the Indian Penal Code and charge sheet filed u/s. 448/324/307/506/34 of IPC.

And

In Re: **Md. Noor Hossain & Ors.**

Petitioners

Mr. Hillol Saha Podder

For the Petitioners

Mr. Ujjwal Luksom

Mr. Saikat Chatterjee

For the State

The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case. It is further submitted that the petitioners were neither present at the place of occurrence nor had any kind of knowledge and involvement of the alleged incident.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Considering the materials available in the case diary and the nature and extent of involvement of the petitioners in the commission of the alleged offence and in view of the fact that the injury report which appears to be not life threatening and serious in nature, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall cooperate with the investigation and shall appear before the learned Trial Court on each and every date fixed for hearing. In default, the learned Trial Court shall be at liberty to cancel the bail without any further reference to this Court.

The prayer for anticipatory bail is allowed and CRM 1149 of 2021 is accordingly, 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)