

20.12.2021
SL No.38
Court No.1
(gc)

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

**CRM 1180 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 Mathabanga Police Station Case No.138 of 2021 dated 20.03.2021 under Sections 447/325/326/307/506/34 of the Indian Penal Code.

And

In the matter of : **Narendra Nath Barman & Anr.**

- Petitioners.

Ms. Jeenia Rudra,
Ms. Madhushri Dutta,
... For the Petitioners.

Mr. Ujjwal Luksom,
Ms. Namrata Das,
... For the State

The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated due to village rivalry. It is further submitted that a false complaint has been lodged against the petitioners as a counter-blast to the complaint made by the petitioners.

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

Having considered the materials available on record and bearing in mind the nature and extent of complicity of the petitioners in the commission of alleged offence and having regard to the injury report which does not show that the injury was life

threatening or serious in nature and also having regard to the fact that the charge-sheet has already been filed, we are inclined to grant anticipatory bail to the petitioners. The prayer for anticipatory bail is, thus, allowed.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No.1180 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.)