

22.12.2021
SL No.28
Court No.1
PJ/SK
(Allowed)

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

**CRM 1193 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 New Jalpaiguri Police Station Case No. 1058 of 2021 dated 19.09.2021 under Section 304 of the Indian Penal Code, corresponding to G.R. Case No. 5096 of 2021.

And

In the matter of : **Jageshwar Rajak**

- Petitioner.

Mr. Jaydeep Kanta Bhowmik

... For the Petitioner.

Mr. Ujjwal Luksom,

Mr. Sourav Ganguly

... For the State.

The learned Counsel for the petitioner submits that the co-accused person is similarly placed with the present petitioner who has been granted bail by the learned Sessions Judge, Jalpaiguri.

The applicant before us is the father. The bail was granted to the son in connection with the same case.

The learned Counsel for the State does not dispute that Manish Rajak stands on the same footing as that of the present petitioner, who has been granted bail by the learned Sessions Judge, Jalpaiguri.

Having considered the materials available on record and bearing in mind the nature and extent of the petitioner and the complicity of the alleged offence and also having regard to the fact

that the son of the petitioner has been granted bail by the learned Sessions Judge, Jalpaiguri and charge-sheet has already been filed, we are of the view that the custodial interrogation of the petitioner is not required.

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

Accordingly, we direct that in the event of arrest the petitioner, **Jageshwar Rajak**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and on condition that the petitioner shall cooperate with the investigation and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain valid for six weeks from this date within which time, the petitioner shall surrender and obtain regular bail from the Learned Chief Judicial Magistrate, Jalpaiguri. We make it clear that the Learned Magistrate while deciding the application for grant of regular bail shall take a decision independent of the observations made by us in this order.

The application for anticipatory bail, being CRM No.1193 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.)

