

22.12.2021
SL No.30
Court No.1
AJ/SM

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

**CRM 1222 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 Kotwali Police Station Case No.518 of 2021 dated 06.10.2021 under Sections 341/323/324/354/307/506/34 of the Indian Penal Code, 1860.

And

In the matter of : **Shyamal Roy & Anr.**

... .petitioners.

Mr. Arijit Ghosh.

... For the Petitioners.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,

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 further submitted that the persons similarly placed with that of the petitioners have been granted anticipatory bail on 14th December, 2021 in CRM 1083 of 2021.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and refers to the statement of the injured as also the injury report.

Considering the materials available in the case diary and bearing in mind the nature and extent of involvement of the petitioners in the commission of the alleged offence and also

taking into consideration the injury report and the statement of Pintu Roy recorded under Section 161 of the Code of Criminal Procedure, the prayer for anticipatory bail of **petitioner no. 2, Satyajit Roy** is rejected.

So far as the prayer of the **petitioner no.1, Shyamal Roy** is concerned, we are inclined to allow the prayer for anticipatory bail to him.

Accordingly, we direct that in the event of arrest the petitioner no. 1 shall be released on anticipatory 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner no.1 shall not leave the jurisdiction of the Kotwali Police Station without the express leave of the Investigating Officer.

The application for anticipatory bail, being CRM No.1222 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.)