

22.12.2021
Court No.01
Item No. 34

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

sg

**CRM 1230 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 Police Station Case No. 418 of 2021 dated 16.11.2021 under Sections 341/353/427/34 of the Indian Penal Code read with Section 3 of the Prevention of Damage of Public Property Act.

And

In Re: **Ratan Kumar Roy @ Ratan Roy**
Petitioner

Mr. Sourav Ganguly
Mr. Kallol Nag

For the Petitioner

Mr. Ujjwal Luksom
Mr. Tapan Bhattacharjee

For the State

The learned Counsel for the petitioner submits that on 16th November, 2021 two complaints were lodged concerning the petitioner with other persons regarding commission of such offences. Police lodged the prior complaint. However, on the basis of the complaint lodged by the National Highway Authority of India on the same date, the petitioner was granted bail on 2nd December, 2021 by the learned Additional Sessions Judge, Alipurduar. However, while the petitioner was in custody in connection with the Alipurduar P.S. case no. 419/2021 dated 16th November, 2021 registered on the basis of a complainant lodged by NHAI, the police authority filed a petition for shown arrest dated 25th November, 2021 but did not move the said application. The said application is still pending.

The petitioner apprehends that unless the petitioner is not granted anticipatory bail, the petitioner may be arrested on the basis of the petition filed by the police on 25th November, 2021 in connection with Alipurduar P.S. Case No. 418/2021 dated 16th November, 2021 lodged by the police.

In view of the fact that same sets of incidents have given rise to two sets of complaints and in respect of one complaint lodged by the National Highway Authority of India, the petitioner was enlarged on bail, we are of the view that custodial interrogation of the petitioner is not required and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Ratan Kumar Roy @ Ratan Roy**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and the petitioner shall meet the Investigating Officer once in a week until further order.

The application for anticipatory bail of the petitioner is allowed. CRM 1230 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)