

23.12.2021
SL No.21
Court No.1
PJ/SK
(Allowed)

Circuit Bench of Calcutta High Court
At Jalpaiguri
CRM 1237 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 Kumargram Police Station Case No. 262 of 2021 dated 05.12.2021 under Sections 506/306/120B of the Indian Penal Code.

And

In the matter of : **Bimal Dey & Ors.**

- Petitioners.

Mr. Sourav Ganguly,
Mr. Hillol Saha Poddar,
Mr. Kallol Nag

... For the Petitioners.

Mr. Saitakt Chatterjee,
Mr. Aniruddha Biswas

... For the State.

The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated. It is submitted that the victim and the petitioner no. 3 had long love relationship.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the investigation is at preliminary stage and the process is still going on. The Post Mortem Report is yet to be received by the police authorities.

Considering the materials available in the Case Diary and the nature and extent of complicity of the petitioners in the commission of the alleged offence, we are of the view that the custodial interrogation of the petitioners is not required.

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

Accordingly, we direct that in the event of arrest the petitioners, **Bimal Dey, Chhabirani Dey, Binoy Dey and Soma Paul @ Soma Dey Paul**, 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 on condition that the petitioner nos. 1 and 3 shall meet the investigating officer once a week, until further orders 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 petitioners shall surrender and obtain regular bail from the Learned Trial Judge. We make it clear that the Learned Trial Judge while deciding the application for grant of regular bail shall take a decision independent of the observations made by us in this order. At the time of consideration of the prayer for bail, the prosecution shall be at liberty to produce any incriminating materials available against the petitioners, the Trial Court shall consider the said application for bail on its own merit without influence by any of the observations made by us.

The application for anticipatory bail, being CRM No.1237 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.)