

23.12.2021
SL No.28
Court No.1
PJ/SK
(Allowed)

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

**CRM 1253 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 Dhupguri Police Station Case No. 487 of 2020 dated 20.12.2020 under Sections 354C/376 of the Indian Penal Code (G.R. Case No. 5496 of 2020).

And

In the matter of : **Chandan Ray**

- Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Kallol Acharjee,
Mr. Saurav Ganguly

... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated due to land dispute.

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

Considering the materials available in the Case Diary and having regard to the nature and extent of complicity of the petitioner in the commission of the alleged offence, we are of the opinion that 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, **Chandan Ray**, 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 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 petitioner 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.

The application for anticipatory bail, being CRM No.1253 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.)