

24.12.2021
SL No.7
Court No.1
AJ/SM

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

**CRM 1254 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 Dinhata Police Station Case No.338 of 2020 dated 04.09.2020 under Sections 341/325/326/307/364/34 of the Indian Penal Code, 1860.

And

In the matter of : **Ratan Roy Sarkar & Ors.**
... .petitioners.

Mr. Sudip Guha.
... For the Petitioners.

Mr. Nilay Chakraborty,
Mr. Aniruddha Biswas.
... For the State.

The learned Counsel for the petitioners submits that the allegations made against the petitioners are omnibus in nature and the petitioners are not involved in the commission of alleged offence. Our attention is drawn to an order passed by a co-ordinate Bench on 17th December, 2020 in connection with one of the co-accused persons, namely, Uttam Kumar Barman in CRM No. 9758 of 2020.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the injury sustained by the husband of the de-facto complainant is grievous in nature and has drawn our attention to the injury report and also the

statement of the victim recorded under Section 161 of the Code of Criminal Procedure.

Having considered the nature and gravity of the alleged offence and keeping in mind that one of the co-accused persons has been granted bail by a co-ordinate Bench, we are of the view that ends of justice would be served if we pass the following order :-

- i) The petitioners shall not be arrested for a period of three weeks from date on condition that they immediately surrender before the learned Additional Chief Judicial Magistrate, Dinhata.
- ii) The petitioners will be at liberty to apply for regular bail before the appropriate Court, if such an application is made, the same shall be decided in accordance with law without being influenced of any of the observations made in this order as expeditiously as possible.

The application for anticipatory bail, being CRM No.1254 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.)