

23.12.2021
SL No.32
Court No.1
AJ/SM

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

**CRM 1257 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 Jalpaiguri Police Station Case No.422 of 2021 dated 04.05.2021 under Sections 341/304/323/34 of the Indian Penal Code, 1860.

And
In the matter of : **Md. Sultan.**
... .petitioner.

Mr. Kunaljit Bhattacharjee,
Mr. Haider Ali,
Mr. Abhisek Palit.
... For the Petitioner.

Mr. Kallol Acharjee,
Mr. Biswarup Roy.
... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and refers to the post mortem report and the statement of the eye-witness recorded under Section 164 of the Code of Criminal Procedure.

Considering the materials available in the case diary and the nature and extent of involvement of the petitioner in the commission of the alleged offence and having regard to the fact that the other co-accused persons who are on bail, we are of the view that custodial interrogation of the petitioner is not required.

As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Md. Sultan** 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.

This order shall valid for a period of six weeks from date within which the petitioner shall obtain regular bail from the trial Court.

The application for anticipatory bail, being CRM No.1257 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.)