

23.12.2021
SL No.37
Court No.1
(gc)

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

**CRM 1268 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 Bhaktinagar Police Station Case No.1283 of 2021 dated 29.09.2021 under Sections 364A/344/368/323/34 of the Indian Penal Code.

And

In the matter of : **Souvik Kundu @ Tipu**
- Petitioner.

Mr. Sayantan Bhowmik,
... For the Petitioner.
Mr. Ujjwal Luksom,
Mr. Saikat Chatterjee,
... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and the principal accused is in custody.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that a statement of the victim recorded under Section 164 of the Cr.P.C. did not mention the name of the present petitioner.

Having considered the materials available in the case diary and the nature and extent of involvement of the petitioner in the commission of alleged offence and also having regard to the fact that the principal accused is in custody, we are of view that custodial interrogation of the petitioner is not necessary. Hence, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Souvik Kundu @ Tipu**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that the petitioner shall meet the I.O. once in a week until further orders.

The application for anticipatory bail, being CRM No.1268 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.)