

23.12.2021
SL No.40
Court No.1
(gc)

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

**CRM 1273 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.478 of 2020 dated 13.12.2020 under Sections 448/427/379/354/379/354/307/506/34 of the Indian Penal Code.

And

In the matter of : **Jogendranath Roy & Ors.**

- Petitioners.

Mr. Hillol Saha Podder

... For the Petitioners.

Mr. Abhijit Sarkar,

Mr. Tapan Bhattacharjee,

... For the State.

The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated. It is submitted that the de-facto complainant and the accused persons are neighbours and there is a longstanding dispute of land and possession between them.

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

Having considered the materials available in the case diary and the nature and extent of involvement of the petitioners in the commission of alleged offence and having regard to the fact that injury report shows injury to be simple and also having regard to the fact that the charge-sheet has already been filed, we are of view that custodial interrogation of the petitioners is not necessary. Hence, we

are inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.

Accordingly, we direct that in the event of arrest the petitioners, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and shall appear before the learned Trial Court on each and every date of hearing.

The application for anticipatory bail, being CRM No.1273 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.)