

23.12.2021
Court No.01
Item No. 45

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

**CRM 1285 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Samuktala Police Station Case No. 144 of 2021 dated 27.07.2021 under Sections 379/406/420/409/120B/34 of the Indian Penal Code.

And

In Re: **Ankur Sarkar &Ors.**

Petitioners

Mr. Arnab Saha

For the Petitioners

Mr. Niloy Chakraborty
Mr. Tapan Bhattacharjee

For the State

The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the instant case. It is stated that the present complaint is the fall out of the dispute relating to the management and control of a tea garden amongst various groups. The learned Counsel has drawn our attention to an order passed by a co-ordinate Bench of this Court against another co-accused person dated 17th September, 2021 in CRM 926 of 2021.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and draws our attention to the statement of the independent eyewitnesses recorded under Section 161 of the Code of Criminal Procedure wherefrom it appears that the petitioners are named by such witnesses for involvement in the commission of alleged offence.

Having considered the materials available on record, the seizure lists and the nature of extent of the complicity of the petitioners in the commission of the alleged offence and also having considered the fact that the involvement of the petitioners in the commission of the alleged offence has to be assessed at the appropriate stage, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the Court below and pray for regular bail within four weeks from date and with a further condition that the petitioners shall meet the Investigating Officer one in a month until further orders.

The application for anticipatory bail of the petitioners is allowed. CRM 1285 of 2021 is accordingly, 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)