

30.
05-01-2022
(ct. no.01)
debajyoti

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 3 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No.652 of 2021 dated 16-10-2021 under Sections 307/328/34 of the Indian Penal Code.

- A n d -

In the matter of : Bimal Barman @ Manab Barman & Anr.
.... Petitioners.

Mr. Hillol Saha Podder

... For the Petitioners.

Mr. Abhijit Sarkar,
Mr. Sagnik Sankar Sikdar

... For the State.

The charge against the petitioners is of attempted murder. It is alleged that the petitioners offered the victim a banana with pieces of iron and pins inside the banana. The victim ate half of the banana and then started vomiting and became violently sick. He underwent treatment at various hospitals.

We have seen the material in the Case Diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. We have also seen the injury report.

On an overall assessment of the material on record, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Bimal Barman @ Manab Barman** and **Kalpana**

Barman, shall be released on bail upon furnishing bonds of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and on further condition that the petitioner no.1 shall meet the Investigating Officer once in every week and also when he is called for by the Investigating Officer. The petitioners shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioners fail to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference of this Court.

The application for anticipatory bail being CRM(A) 3 of 2022 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)