

06.01.2022
Item no.18.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

(Via Video Conference)

CRM (A) No. 11 of 2022

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Mekhliganj Police Station Case No.227 of 2015 Dated 26.07.2015 under Sections 186/332/353/411/413/34 of the Indian Penal Code read with Section 12 of West Bengal Cattle Licensing Act.

And

In the matter of: Chapikul Pramanik & Another.

.....Petitioners.

Mr. P.S. Deb Barman,
Md. M. Nazar Chowdhury for the Petitioners.

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharjee for the State.

The charges are levied under Sections 186, 332, 353 along with 411, 413 and 34 of the Indian Penal Code read with Section 12 of the West Bengal Cattle Licensing Act. The petitioners submit that the dispute arose while the petitioners along with the complainant had taken their cattle for grazing. The dispute led to exchange of blows amongst themselves.

Learned prosecution counsel has produced the case diary and opposes the prayer for anticipatory bail.

We have perused the material on record. We do not find that any person suffered any injury.

Considering the facts of the case and arguments of the parties and on an overall assessment of the situation, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest, the petitioners, namely, Chapikul Pramanik and Majibul Pramanik 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that they shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 11 of 2022 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)