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10-01-2022
(ct. no.1)
KOLE

Circuit Bench of Calcutta High Court at Jalpaiguri

CRM (A) 17 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dinhata** Police Station Case No. **65** of **2021** dated **16.02.2021** under Sections **448/323/325/427/354/382/34** of the Indian Penal Code.

- A n d -

In the matter of : Nijamuddin Sarkar

.... Petitioner.

Mr. Sudip Guha,

... For the Petitioner.

Mr. S. Ganguly,
Mrs. N. Das,

... For the State.

The petitioner says that the incident is the result of a political dispute between the petitioner's group and the group of the defacto complainant.

The allegation is that the petitioner and other accused persons under the leadership of one Ajay Roy and Sabir Saha Chowdhury ransacked the shop room of the defacto complainant and stole Rs. 55,000/- and rice from the shop. The further allegation is that the petitioner and his associates beat up the defacto complainant and his son.

The State opposes the prayer for anticipatory bail.

We have seen the material in the case diary including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. The statements also indicate that there may

have been political rivalry between the two groups. There is no injury report.

On an overall assessment of the facts and circumstances of the case and the nature and gravity of the allegations, we are of the view that immediate custodial interrogation of the petitioner is not necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Nijamuddin Sarkar**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall meet the Investigating Officer once in a fortnight until further orders. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails 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) 17 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.)**