

15.
10-01-2022
(ct. no.01)
debajyoti

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 20 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kumargram Police Station Case No.239 of 2021 dated 02-11-2021 under Sections 341/325/307/506/34 of the Indian Penal Code.

- A n d -

In the matter of : Ram Krishna Das & Ors.

.... Petitioners.

Mr. Sudip Guha

... For the Petitioners.

Mr. Abhijit Sarkar,
Mr. Tapan Bhattacharjee

... For the State.

The petitioners say that they are innocent. They are not involved in the alleged incident. They pray for anticipatory bail.

The charges are serious. Section 307 of the Indian Penal Code has been invoked.

The State vehemently opposes the prayer for anticipatory bail.

We have seen the material in the Case Diary including the statements of independent witnesses. It appears that the petitioner no.2 tried to pierce the eye of the victim. *Prima facie*, there does not appear to be any incriminating material against the other petitioners.

On an overall assessment of the facts and circumstances of the case and the material on record, we are not inclined to extend the privilege of anticipatory bail to the

petitioner no.2. This application is dismissed insofar as the petitioner no.2 is concerned.

Insofar as the other petitioners are concerned, on an assessment of the material on record and their possible extent of complicity in the alleged offence, we are inclined to allow the prayer for anticipatory bail of the petitioner nos.1, 3 and 4.

Accordingly, in the event of arrest, the petitioner nos.1, 3 and 4, respectively namely, **Ram Krishna Das**, **Bhima Das** and **Dhananjay Das**, 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 nos.1, 3 and 4 shall meet the Investigating Officer once in every fortnight until further orders. The petitioner nos.1, 3 and 4 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner nos.1, 3 and 4 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) 20 of 2022 is, thus, **disposed of**.

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.)