

24.
10-01-2022
(ct. no.01)
debajyoti

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 29 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No.532 of 2021 dated 04-10-2021 under Sections 448/436/427/34 of the Indian Penal Code.

- A n d -

In the matter of : Rabi Kanta Adhikary & Anr.

.... Petitioners.

Mr. Hillol Saha Podder

... For the Petitioners.

Mr. Abhijit Sarkar,
Mr. Biswaroop Roy

... For the State.

The allegation is that the petitioners set on fire a stack of jute lying at the premises of the defacto complainant.

The petitioners say that the allegation is out and out false. The false complaint has been prompted by village enmity. They are fully prepared to cooperate with the Investigating Officer.

The State vehemently opposes the prayer for anticipatory bail.

We have considered the material on record including the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure. Nobody was injured in the incident. *Prima facie*, village enmity cannot be ruled out.

On an overall assessment of the material on record, although Charge Sheet is yet to be submitted, we are inclined

to allow this application for anticipatory bail so long as the petitioners cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely, **Rabi Kanta Adhikary** and **Prasanta 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 petitioners shall meet the Investigating Officer once in every fortnight until further orders. 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) 29 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.)