

39.
14-01-2022
(ct. no.01)
debajyoti
(allowed)

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 51 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Haldibari Police Station Case No.267 of 2021 dated 08-11-2021 under Sections 447/341/324/326/506/34 of the Indian Penal Code.

- A n d -

In the matter of : Upendra Nath Roy & Ors.

.... Petitioners.

Mr. Debajit Kundu,
Mr. Tapabrata Ghosh

... For the Petitioners.

Mr. Kallol Acharjee,
Mr. Sourav Ganguly

... For the State.

The petitioner no.1 is the father of the petitioner no.2 and the petitioner no.3 is the wife of the petitioner no.2. They say that the incident was a result of a family dispute. The two victims are close relatives of the petitioners. There was a scuffle between the family members and the victims suffered injury. The petitioners had no intention of inflicting any injury on the victims. The petitioner no.3 is a pregnant lady.

The State produces the Case Diary and opposes the prayer for anticipatory bail.

We have seen the medical report. It merely states the injury to be grievous, but no particulars are furnished.

On an overall assessment of the facts and circumstances of the case and the nature of allegations, 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, **Upendra Nath Roy**, **Sanjit Roy** and **Bhupali Roy**, 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 and 2 shall meet the Investigating Officer once in every fortnight until completion of investigation. 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) 51 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.)