

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

04.05.2022
Court No.01
rpan/ 34

CRM (A) 223 of 2022

In Re:- An application for anticipatory bail under Section 438 of
the Code of Criminal Procedure;

And

In Re: Sadeb Adhikari @ Sahadeb Adhikari

- Petitioner

Mr. Hillol Saha Podder
...for the Petitioner

Mr. Arun Kumar Sarkar,
Mr. Saikat Chatterje
...for the State

Apprehending arrest in connection with Sahebganj Police
Station Case No.485 of 2021 dated 01.10.2021 under Sections
341/323/325/326/307/379/506/34 of the Indian Penal Code, the
present application has been preferred.

Mr. Saha Podder, learned advocate appearing for the
petitioner submits that the petitioner was not present at the place
of occurrence and he has been falsely implicated. The complaint
was lodged about four days after the alleged incident. No specific
overt act has been attributed to the petitioner and as such,
custodial interrogation may not be necessary.

Mr. Sarkar, learned advocate appearing for the State opposes
the petitioner's prayer and draws our attention to the statements of
the witnesses as recorded under Section 161 of the Code, the injury
report and other documents.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary. *Prima facie*, no specific overt act has been attributed to the petitioner. Considering the nature of allegations, the injury report, the statements of the witnesses and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary, more so when, upon completion of investigation charge-sheet has been submitted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sadeb Adhikari @ Sahadeb Adhikari** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

It is further directed that the petitioner shall appear before the learned Court below on all the dates specified for hearing and shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail, without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 223 of 2022, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)