

04.01.2022

Item no.4.

Court No.1.

AB

(Allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM No. 1091 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No.521 of 2021 Dated 7.10.2021 under Sections 341/326/307/34 of the Indian Penal Code

And

In the matter of: Baktar Ali & Anr.

.....Petitioners.

Md. Sarwar Jahan,

Mr. Firoze Hasanfor the Petitioners.

Mr. Ujjwal Luksom,

Mr. Aniruddha Biswas,

Ms. Namrata Dasfor the State.

The petitioners say that the incident was a fall out of political rivalry between two groups. More than 30 persons have been named in the first information report. The victim did not name anybody specific before the examining doctor. They say that they are prepared to fully cooperate with the investigation.

The State produces the case diary.

We have seen the material in the case diary including the injury report. The injury report does not reveal anything significant.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial interrogation of the petitioners

may not be necessary so long as they are prepared to cooperate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely Baktar Ali and Alam Mia @ Alamgir Mia @ Alamgir Mir shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that they shall report to the Investigating Officer once in a week until completion of investigation.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.1091 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)

