

07.01.2022
Item no.11.
Court No.1.
S. De
(Allowed)

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

CRM No. 1231 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No.192 of 2021 Dated 04.07.2021 under Sections 447/341/324/325/326/307/354/34 of the Indian Penal Code.

And

In the matter of: Manir @ Nabir Miah & Others.

.....Petitioners.

Mr. Hillol Saha Podderfor the Petitioners.

Mr. Abhijit Sarkar,
Mr. Biswarup Roy,for the State.

The petitioners say that the incident was a result of land dispute between the petitioners and their associates and the complainant and his associates. The petitioners also suffered injuries in the incident. There is a counter-case filed by the petitioners. They say that they are prepared to fully co-operate with the Investigating Officer.

We have seen the material in the case diary including the injury report.

The State opposes the prayer for anticipatory bail.

On an overall assessment of the material on record 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 are prepared to co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioners, namely Manir @ Nabir Miah, Chamir Ali @ Chamir Mia, Hamer Ali and Sahider Miya 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 fortnight 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 is, thus, allowed.

C.R.M. 1231 of 2021 is disposed of.

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.)