

21.12.2022
Serial no. 01
[Dd]
(Anticipatory bail)
Allowed)

CALCUTTA HIGH COURT
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (A) 764 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Birpara** Police Station Case No. **122** of **2020** dated **03.09.2020** (Charge sheet no. **128/2020** dated **31.10.2020**) under Sections **302/120B/34** of the Indian Penal Code being GR No. 1647/2020)

-And-

In the matter of : **Sanjay Rai**

... .. Petitioner

Mr. Kallol Mondal,
Mr. Arindam Sen,
Mr. Chitra Bhanu Gupta, Advocates
... .. *For the Petitioner*

Mr. Nilay Chakraborty, (via video conference)
Mr. Tapan Bhattacharya, Advocates
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that the police filed charge sheet. He contends that process for issuance of warrant of arrest and proclamation of attachment was undertaken. He refers to other criminal cases.

Apparently, the police concluded the investigations and submitted a charge sheet. There are no materials in the case diary suggesting that the petitioner assaulted the victim.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 764 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)