

D/L 222
February 7, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 35 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.01.2023 in connection with G. R. Case No. 6635 of 2022 arising out of Rajganj Police Station Case No. 666 of 2022 dated 28.11.2022 for the alleged offence under Section 379 of the Indian Penal Code, 1860.

And

In the matter of: Dipankar @ Suvankar Sharma and others
.... petitioners

Mr. Partha Pratim Sarkar,
Mr. Biswajit Das
... for the petitioners

Mr. Ujjwal Luksom,
Mr. Dhiman Sil
... for the State

Learned counsel for the petitioners contends that other co-accused persons standing on similar footing as of the petitioners were granted bail within four days of arrest.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioners and contends that the antecedents of the petitioners is poor, inasmuch as other similar cases are pending against them.

It is seen from the materials on record that although there are allegations of other pending cases, the petitioners have not been shown to have been convicted in any previous case till date. That apart, since other co-accused persons standing on similar footing as

the petitioners have already been granted bail, we find no reason to refuse the prayer for anticipatory bail of the petitioners.

Accordingly, CRM (A) 35 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioners 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 learned Chief Judicial Magistrate, Jalpaiguri. The sureties may be common for both the petitioners.

The petitioners shall not leave the territorial jurisdiction of the concerned police station during the entire period of investigation and shall meet the Investigating Officer once in a week till the conclusion of investigation.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)