

D/L 279
February 3, 2023
MNS

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

CRM (A) 42 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.01.2023 in connection with Kharibari Police Station Case No. 74 of 2017 dated 09.04.2017 under Sections 302/34/120B of the Indian Penal Code read with Sections 25(1)(a)/27 of the Arms Act, 1959 adding Section 201 of the Indian Penal Code.

And

In the matter of: Rahul Kumar Ray @ Vikky @ Rhul Roy @ Yuvraj

.... petitioner

Mr. Joyjit Chowdhury,
Mr. Rohit Agarwal

... for the petitioner

Mr. A. s. Chakraborty,
Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee

... for the State

Learned counsel for the petitioner submits at the outset, by placing reliance on the annexures to the present petition, that other co-accused have already been granted bail, including the principal accused.

Learned counsel for the State opposes the prayer for anticipatory bail.

However, in the light of the above observations and to maintain parity, CRM (A) 42 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri. The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial court on each and every date.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)