

D/L 208
February 9, 2023
MNS

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

CRM (A) 65 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 16.01.2023 in connection with Mekhliganj Police Station Case No. 250 of 2022 dated 27.07.2022 for the alleged offence under Sections 447/323/324/326/506/34 of the Indian Penal Code adding Section 308 of the Indian Penal Code.

And

In the matter of: Aphijar Rahaman @ Afijar Rahaman and another
.... petitioners

Mr. Gobinda Saha,
Mr. Tamal Sen,
Mr. Milan Laskar,
Ms. Ria Paul

... for the petitioners

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee

... for the State

Learned counsel for the petitioners submits that almost all the Sections alleged against the petitioners are bailable. However, only Section 326 of the Indian Penal Code is non-bailable and triable by a Magistrate.

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

However, considering the nature of the allegations made against the petitioners, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, CRM (A) 65 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 individual bond of Rs.5,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mekhliganj. The sureties may be common in respect of all the petitioners. The petitioners 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 of trial.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)