

**In the High Court at Calcutta
Circuit Bench At Jalpaiguri**

28.02.2023

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Allowed

C.R.M. (A) No. 123 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Malbazar Police Station Case No. 341 of 2022 dated 29.04.2022 under Sections 341/147/148/149/186/427/353/ 354/ 332/ 325/307/431/435 of the Indian Penal Code read with Section 3 of PDPP Act and Section 9 of MPO Act and 8B of NH Act.

And

In Re : Md. Abdul & Ors. petitioners

Mr. Sourav Ganguly
Mr. Alok Sah

.....for the petitioner

Mr. Nilay Chakraborty
Ms. Namrata Das

....for the State

It is submitted by the learned Counsel for the petitioners that there was a commotion in the locality over lifting of sand from the river. Petitioners are the local villagers and had been falsely implicated. They pray for anticipatory bail.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail and submits police personnel were injured.

We have considered the materials on record. We have also gone through the injury reports of the police personnel. Injuries are simple. Though names of the petitioners appear in

the statements of the witnesses, allegations against them are general and omnibus. Keeping in mind the aforesaid circumstances we are of the opinion custodial interrogation of the petitioners for progress of investigation is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that 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, 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 shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

C.R.M. 11960 of 2017

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.
And

In Re : Aslam Ali Sk. @ Aslam Sk. petitioner

Mr. Kallol Mondal,
Ms. Amrita Chel

....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

(Joymalya Bagchi, J.)

