

28.02.2023

Sl. No.34
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 141 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.02.2023 in connection with Dinhata Police Station Case No. 618 of 2022 dated 17.12.2022 under Sections 341/325/307/34 of the Indian Penal Code. (G.R. Case No.684 of 2022)

And

In Re: ***Khirod Ch. Roy @ Khirat Chandra Roy @ Khirod Roy & Anr.***
... .. Petitioners

Mr. Surajit Basu

... .. for the petitioners

Mr. Abhijit Sarkar
Mr. Subhasish Misra

... .. for the State

It is submitted on behalf of the petitioners that there was a free fight between the parties. Case and counter-case had been registered.

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

We have considered the materials on record. There was a free fight between the parties. Case and counter-case had been registered. Whether the petitioners intended to murder the victim requires to be assessed in the light of the aforesaid circumstances. In view of the aforesaid facts, we are of the opinion custodial interrogation of the accuseds/petitioners for progress of investigation may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accuseds/petitioners, namely ***(1) Khirod Ch. Roy @ Khirat Chandra Roy @ Khirod Roy & (2) Chhoton Roy @ Ray***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only)

each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)