

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

03.04.2023
Court No.1
(D/L 16)
(allowed)

CRM (A) 186 OF 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 09.03.2023 in connection with Sahebganj Police Station Case No.434 of 2022 dated 26.11.2022 under Sections 341/323/325/354/34 of the Indian Penal Code.

And

In the matter of: **Bachhu Modak & Anr.**

... Petitioners.

Mr. Subhasish Misra
Mr. Swarup Das

... for the petitioners.

Mr. Kallol Acharjee
Mr. Biswarup Roy

... for the State.

Heard learned counsel for the petitioners and the learned public prosecutor and perused the materials on record and the materials in the case diary. It is seen that the parties are family members and there is a family dispute relating to property. There is no medical report or any injury report in the case diary. There is a case and counter case filed by the parties. The accused herein have filed the prior case being Sahebganj P.S. Case No.433 of 2022.

Considering the nature of offence alleged and the materials on record, we are inclined to grant anticipatory bail to the petitioners. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.5,000/- with two sureties of Rs.2,500/- amount each, to the satisfaction of the learned

ACJM, Dinhata and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973

The application for anticipatory bail is, accordingly, allowed.

[SHAMPA DUTT (PAUL), J.]

(RAJARSHI BHARADWAJ, J.)