

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

12.04.2023
Court No.1
(D/L 61)
(Partly allowed)

CRM (A) 198 OF 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 20.03.2023 in connection with G.R. Case No.36 of 2023 arising out of Sahebganj Police Station Case No.25 of 2023 dated 27.01.2023 under Sections 341/323/325/307/354/427/506/34 of the Indian Penal Code, 1860.

And

In the matter of: **Batu Barman & Ors.**

... Petitioners.

Mr. Surajit Basu
Mr. Ratan Chandra Roy

... for the petitioners.

Mr. Aditi Shankar Chakraborty, APP

... for the State.

Learned counsel appearing for the petitioner submits that there is a case and counter case between the parties, who are neighbors. From the materials on record and the case diary we find that the injuries in the injury report are serious and petitioner nos.1 and 2 have been categorically named before the doctor.

As we find that the name of petitioner no.3 is not mentioned specifically before the doctor, we are inclined to grant anticipatory bail to the petitioner no.3. We direct that in the event of arrest the petitioner no.3 be granted 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973

On perusing the materials on record and the case diary, we are not inclined to grant anticipatory bail to the petitioner nos.1 and 2.

The prayer for anticipatory bail of the petitioner nos.1 and 2 are rejected.

The application for anticipatory bail is, accordingly, allowed in respect of only petitioner no.3.

[SHAMPA DUTT (PAUL), J.]

(RAJARSHI BHARADWAJ, J.)