

11.05.2023

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IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(A) 225 of 2023

In the Matter of : **Jhantu Nag & Anr.**

.... Petitioners.

Mr. Hillol Saha Poddar
Ms. Mousumi Das

....for the petitioner.

Mr. Kallol Acharjee
Mr. Dhiman Sil

.....For the State.

This is an application for grant of anticipatory bail filed under the provisions of Section 438 of the Code of Criminal Procedure, 1973 (in short Cr.P.C) in connection with Mathabanga Police Station Case No. 710 of 2022 dated 07.12.2022 under Sections 143/341/323/326/307/506/34 of the India Penal Code 1860 (in short, IPC).

The incident took place on 7th December, 2022. Although there is an injury report which prima facie shows that the victim was admitted in the hospital on 7th December, 2022 and discharged therefrom on 10th December, 2022. Charge-sheet has already been filed.

Charges have been framed. Keeping in mind that custodial interrogation is not necessary 5 months have elapsed in between and there is no antecedent of the accused. We are inclined to grant anticipatory bail to the petitioner.

Considering the aforesaid facts and circumstances, we accordingly allow this application for anticipatory bail on the following terms:

We direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of like amount each to the satisfaction of the Arresting Officer.

The petitioners will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

We impose further conditions that:

- (a) The petitioners shall immediately deposit their passports, if they possess one, with the investigating officer.
- (b) They shall appear before the investigating officer for interrogation as and when summoned.
- (c) They shall not leave the limits of the district Cooch Behar without informing the

investigating officer of the details of their whereabouts.

(d) They shall not tamper with evidence or intimidate the witnesses in any manner.

(e) The petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail, being CRM(A) 225 of 2023 is disposed of.

(Ananya Bandyopadhyay, J.) (Arindam Mukherjee, J.)

