

11.05.2023

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

C.R.M.(A) 226 of 2023

In the Matter of : **Abul Hossain @ Bablu Hossain @ Bablu Miya**

.... Petitioner.

Ms. Suman Sehanabis (Mandal)  
Mr. Salok Sah ....for the petitioner.

Mr. Ujjwal Luksom  
Mr. Tapan Bhattacharjee  
.....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.34 of 2023 dated 20.01.2023 under Sections 148/427/323/325/307/354/379/506 and 34 of the India Penal Code, 1860 (in short, IPC) corresponding to their G.R case No.69 of 2023 now pending before the Court of the Ld. Additional Chief Judicial Magistrate, Mathabanga, Cooch Behar.

After hearing the parties and considering the materials disclosed, it prima facie appears that the incident occurred out of the property dispute between the two families. There are allegations and counter allegations leading to FIR and G.R Case. The injury report shows that the injury is simple in nature although the victim was admitted in the Hospital. There is no antecedent of the petitioner. More than 6 months have elapsed from the date of incident. Charge-sheet has been filed. We do not think that any custodial interrogation is necessary.

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

The petitioner 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 petitioner shall immediately deposit his passports, if he possesses one, with the investigating officer.
- (b) He shall appear before the investigating officer for interrogation as and when summoned.
- (c) He shall not leave the limits of the district Cooch Behar without informing the investigating officer of the details of their whereabouts.
- (d) He shall not tamper with evidence or intimidate the witnesses in any manner.
- (e) The petitioner 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) 226 of 2023 is disposed of.

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