

11.05.2023
PP (14)

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

CRM (A) 232 of 2023

In the Matter of : Karnajit Das and Others.

.... Petitioners.

Mr. Subhasish Misra,
Mr. Swarup Das

....for the petitioners.

Mr. Abhijit Sarkar,
Mr. Chattu Roy.....For the State.

Mr. Sourav Ganguly,
Ms. Esha Acharya

....For the de facto complainant.

1. This is an application under the provisions of Section 438 of the Code of Criminal Procedure, 1973 (in short, Cr.P.C.) made by the petitioners on the apprehension of being arrested in connection with Pundibari Police Station Case No. 95 of 2023 dated 14th February, 2023 under Sections 448/325/326/307/506/34/354 of the Indian Penal Code, 1860 (in short, IPC), corresponding to G. R. Case No.273 of 2023 pending before the court of the learned Chief Judicial Magistrate, Cooch Behar.

2. After hearing the parties it is evident that the de facto complainant and the accused persons are related to each other. There is every likelihood that the incident occurred due to property dispute. Although the injury is grievous in

nature, but keeping in mind that the incident occurred on 8th February, 2023 and in between there is no further recurrence of any incident, that there is also no past antecedent of the petitioners, the charges are also such that custodial interrogation, according to us, is not necessary for the progress of the investigation. Moreover, the possibility of tampering with the evidence is remote owing to the nature of the complaint. The only apprehension is that the petitioner may abscond on being granted anticipatory bail which can be restricted by imposing stringent conditions.

3. We accordingly allow this application for anticipatory bail on the following terms:

(a) 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.

(b) The petitioners will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

8. We impose further conditions that:

(a) The petitioner/petitioners shall immediately deposit their passports, if they possess one, with the investigating officer.

(b) The petitioner/petitioners shall appear before the investigating officer for interrogation as and when summoned.

(c) The petitioner/petitioners shall not enter the local limits of the jurisdictional police station save for meeting the Investigating Officer.

- (d) The petitioner/petitioners shall provide the details and whereabouts of his/her/their to the Investigating Officer.
- (e) The petitioner/petitioners shall not leave the limits of the district Cooch Behar without informing the investigating officer of the details of their whereabouts.
- (f) The petitioner/petitioners shall not tamper with evidence or interfere with the witnesses in any manner.
- (g) The petitioner/petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

9. The application for anticipatory bail CRM(A) 232 of 2023 is disposed of.

(Ananya Bandyopadhyay, J.)

(Arindam Mukherjee, J.)