

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

13.04.2023
Court No.1
(D/L 37)
(allowed)

CRM (A) 238 OF 2023

In Re: An application for bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 11.04.2023 in connection with Pradhan Nagar Police Station Case No.156 of 2023 dated 08.03.2023 under Sections 143/341/326/307/379 and 354 of the Indian Penal Code.

And

In the matter of: **Sanjiv Gupta @ Sanjeet Kumar Gupta**
... **Petitioner.**

Mr. Sabyasachi Mukherjee
Mr. Debajit Kundu

... for the petitioners.

Mr. Kallol Acharjee
Mr. Chottu Roy

... for the State.

On considering the statements in the written complaint regarding the specific assault and the instrument allegedly used upon the complainant and his wife, we find that prima facie the medical report on record do not support the said allegations.

It is also seen that the parties are known to each other and there is a case and counter case.

Considering the nature of assault as alleged and the medical papers which is placed before this Court, which does not support the statement made in the written complaint, we are inclined to grant anticipatory bail to the petitioner. We direct that in the event of arrest the petitioner 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 CJM, Darjeeling and also 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.)