

06.06.2023  
Court No.01  
Item No. 72  
**Allowed**

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

sg

**CRM (A) 244 of 2023**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mekhliganj Police Station Case No. 232 of 2016 dated 16.08.2016 under Sections 143/341/324/325/326/307/120B/34 of the Indian Penal Code and charge sheet filed under sections 147/148/149/341/324/325/326/307/120B/34 of the Indian Penal Code.

And

In Re: **Habul Roy**

Petitioners

Mr. Debasish Mukhopadhyay  
Ms. Mousumi Das

For the Petitioner

Mr. Aditi Shankar Chakraborty  
Mr. Sourav Ganguly

For the State

Leave is given to correct the description of the case details.

The petitioner prays for anticipatory bail. It is submitted that the petitioner stands on the same footing as that of the petitioners in CRM (A) 610 of 2022.

The learned Counsel for the State opposes the prayer for anticipatory bail and submits that the statement of the eyewitness would show the involvement of the petitioner in the commission of the alleged offence.

It appears from the earlier order passed by the coordinate Bench that almost the entire population of the village were included in the FIR and most of the accused persons have been either enlarged on bail or granted anticipatory bail. Taking into consideration the subsequent grounds, the coordinate Bench allowed the applicants in CRM (A) 610 of 2022 and grant anticipatory bail. The present petitioner is standing on the same footing.

Considering the nature of complicity of the petitioner in the alleged commission of offence, we are of the view that custodial interrogation of the petitioner is not required.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 244 of 2023 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

**(Raja Basu Chowdhury, J)**

**(Soumen Sen, J)**