

06.06.2023
SL No.73
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 245 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Mekhliganj Police Station Case No.11 of 2023, dated 07.01.2023 under Sections 147/148/149/448/342/436/427/379/307/506 of the Indian Penal Code.

And

In the matter of : **Krishna Barman @ Krishna Kanta Barman & Anr.**

- Petitioners.

Mr. Debasish Mukhopadhyay,
Ms. Madhushri Dutta

... For the Petitioners.

Mr. Kallol Acharjee,
Mr. Dhiman Sil

... For the State.

The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated. It is submitted that the son of the de facto complainant had a love relationship with the daughter of the petitioner No.1 and due to religious differences there was acrimony between the family members that had resulted in filing complaints and counter-complaints. It is submitted that the petitioners have lodged a complaint earlier in point of time against the family members of their son-in-law.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail. It is submitted that there are 30

accused persons out of which 18 have been enlarged on bail. The statement of the witness would show that the petitioners were present at the time of incident.

Considering the nature of involvement of the petitioners in the commission of the alleged offence as transpired from the case diary, we are of the view that the custodial interrogation of the accused/petitioners may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall meet the Investigating Officer as and when required and shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail 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.)