

06.06.2023
Court No.01
Item No. 79
Allowed

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

sg

CRM (A) 251 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No. 92 of 2023 dated 18.03.2023 under Sections 341/323/325/326/34 of the Indian Penal Code.

And

In Re: **Abdul Jobbar @ Abdul Jabbar Miah @ Jara @ Sara Miya**
Petitioner

Mr. Surajit Basu
Mr. Ratan Chandra Roy

For the Petitioner

Mr. Abhijit Sarkar
Ms. Namrata Das

For the State

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the instant case. It is submitted that due to the dispute over the ancestral property, an altercation took place and he is no way involved with the commission of the offence.

The learned Counsel for the State opposes the prayer for anticipatory bail and submits that the petitioner has inflicted grievous hurt upon the complainant and her family members.

From the materials on record, prima facie it appears that due to dispute between the parties, an altercation took place.

Considering the nature of the involvement of the petitioner in the commission of offence and the nature of the injuries sustained, we are of the view that custodial interrogation of the petitioner is not required. Accordingly, we allow the anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the accused/petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 petitioner 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.

CRM (A) 251 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)