

08.06.2023
SL No.16
Court No.1
Sb/Saswata
(Allowed)

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

CRM (A) 262 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.10 of 2023, dated 07.01.2023 under Sections 147/148/149/186/322/333/353/436/506 of Indian Penal Code, 1860.

And

In the matter of : **Sushil Chandra Adhikari @ Sushil Adhikary**
- Petitioner.

Mr. Debasish Mukhopadhyay
Mr. Anirban Banerjee

... For the Petitioner.

Mr. Abhijit Sarkar
Ms. Namrata Das

... For the State.

1. 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 two accused persons in another police case, involving the same incident have been granted anticipatory bail by this Court on 6th June 2023 and the petitioner is similarly placed as that of the other two co-accused persons, who were granted anticipatory bail.
2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits that there are 26 accused persons and the statements of the witnesses recorded under

Section 161 of the Cr.P.C. would show the presence of the petitioner and his involvement in the incident.

3. Considering the nature of involvement of the petitioner in the commission of the alleged offence as transpired from the case diary and also having regard to the fact that the allegations are general and omnibus in nature, we are of the view that custodial interrogation of the accused/petitioner is not necessary and accordingly, we **allow** the prayer for bail of the petitioner on the following conditions:

- i. In the event of arrest, the accused/petitioner, namely, **Sushil Chandra Adhikari @ Sushil Adhikary**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), 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.
- ii. The petitioner shall meet the Investigating Officer once in a week till filing of the charge sheet and cooperate with the investigation.
- iii. The petitioner shall appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the

jurisdictional Court without express leave of the Court.

4. The application for anticipatory bail is, thus, disposed of.
5. 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.)