

07.06.2023
SL No.49
Court No.1
(gc)
(Allowed)

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

CRM (A) 264 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Falakata Police Station Case No.548 of 2022, dated 05.10.2022 under Sections 498A/304B of the Indian Penal Code.

And

In the matter of : **Mintu Sarkar**

- Petitioner.

Mr. Arijit Ghosh

... For the Petitioner.

Mr. Ujjwal Luksom,

Mr. Tapan Bhattaharjee

... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and co-accused persons are on bail.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the statement recorded under Section 164 of Cr.P.C. directly implicates the petitioner.

Considering the materials available with the record and the nature and complicity of the petitioner in the commission of alleged offence and having regard to the fact that the custodial interrogation of the petitioner is not necessary, we are of the view that the accused/petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely, **Mintu Sarkar**, 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 and on further condition that the petitioner shall meet the Investigating Officer once in a week till the filing of the charge sheet and 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.

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.)