

08.06.2023
SL No.20
Court No.1
Sb/Saswata
(Allowed)

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

CRM (A) 267 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Mathabhanga Police Station Case No.197 of 2015, dated 14.06.2015 under Sections 302/34 of Indian Penal Code, 1860.

And

In the matter of : **Kamal Adhikary @ Kamal Kumar Adhikary**
- Petitioner.

Mr. Arijit Ghosh

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, APP

Mr. Sourav Ganguly

... 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 and all other co-accused persons have been enlarged on bail.
2. Learned Counsel for the State opposes the prayer for anticipatory bail and has relied upon the statement of the wife of the deceased recorded under Section 164 of the Cr.P.C.
3. Considering the materials available in the case diary and the nature of involvement of the petitioner in the alleged offence, complicity of the petitioner in commission of the alleged offence and also having regard to the fact that all the other co-accused persons, similarly placed have been enlarged on bail and that charge sheet has already been filed, we are of the view that custodial interrogation of the accused/petitioner is not

necessary and accordingly, we **allow** the prayer for anticipatory bail of the petitioner on the following conditions:

- i. In the event of arrest, the accused/petitioner, namely, **Kamal Adhikary @ Kamal Kumar 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 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.)