

08.05.2023
SSS (23)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(A) 275 of 2023

In the Matter of : Pikul Haque and Ors.

.... Petitioners.

Ms. Suman Sehanabis (Mandal),
Mr. Salok Sah.for the petitioners.

Mr. Ujjwal Luksom
Mr. Tapan Bhattacharjee.....For the State.

This is an application for grant of anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973 in connection with Tufanganj Police Station Case No. 152 of 2023 dated 5th March, 2023 under Sections 448/323/325/326/354/379 and 34 of the Indian Penal Code, 1860 corresponding to G.R. Case No. 212 of 2023.

The incident took place on 12th March, 2023. Prima facie, it seems to have arisen from a civil dispute between the parties. The allegation against the petitioner accused is of house trespass and causing bodily harm to the de-facto complainant. It appears from the submissions of learned counsel for the State that the injury suffered was simple.

Since the incident is of 4th March, 2023, the injury complained of is simple and the petitioner not arrested till date, we think that custodial interrogation is not necessary.

We accordingly allow this application for anticipatory bail on the following terms:

We direct that in the event of arrest the petitioners shall be released on bail on furnishing security of Rs. 10,000/- (Rupees Ten Thousand) each with personal release bond of equivalent value to the satisfaction of the arresting officer.

The petitioners will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

We impose further conditions that:

- (a) The petitioners shall immediately deposit their passports, if they possess one, with the investigating officer.
- (b) They shall appear before the investigating officer for interrogation as and when summoned.
- (c) They shall not leave the limits of the district Cooch Behar without informing the investigating officer of the details of their whereabouts.
- (d) They shall not tamper with evidence or interfere with the witnesses in any manner.

(e) The petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail CRM(A) 275 of 2023 is disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)