

08.06.2023
SL No.31
Court No.1
Sb/Saswata
(Allowed)

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

CRM (A) 282 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Rajganj Police Station Case No.106 of 2023, dated 27.02.2023 under Sections 47/341/324/326/307/34 of Indian Penal Code, 1860.

And

In the matter of : **Jamal Md. @ Sahajamal Md. & Ors.**

- Petitioners.

Mr. Arijit Ghosh

... For the Petitioner.

Mr. Saikat Chatterjee

Mr. Arjun Chowdhury

... For the State.

1. Learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated over a boundary dispute with the complainant and in order to implicate them in a criminal case, this compliant has been made.
2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits that the injury suffered by the de facto complainant is grievous in nature and the statement made by the independent witness directly implicate the petitioners in commission of the alleged offence.
3. Having considered the materials available in the case diary and the nature of injury and the allegation against the petitioners which appear to be general and omnibus in nature, we are of the view that custodial interrogation of the petitioners are not

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

- i. In the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 petitioners shall meet the Investigating Officer once in a week till filing of the charge sheet.
 - iii. The petitioners shall cooperate with the investigation.
 - iv. The petitioners 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.)