

09.06.2023
Court No.01
Item No. 49
Allowed

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

CRM (A) 305 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dinhata Police Station Case No. 135 of 2022 dated 19.03.2022 under Section 143/341/323/325/326/307/506 of the Indian Penal Code read with section 25(1-A)/27 of the Arms Act.

And

In Re: **Manirul Hasan @ Moni & Ors.**

Petitioners

Mr. Sudip Guha

For the Petitioners

Mr. Kallol Acharjee

Mr. SAikat Chatterjee

Mr. Kallol Nag

For the State

The learned Counsel for the petitioners submits that out of political rivalry, the petitioners have been falsely implicated and two of the accused persons similarly placed as that of the present petitioners have been granted anticipatory bail by the learned Trial Court.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and relied upon the injury report to show that the nature and extent of the injury suffered by the de-facto complainant.

Considering the fact that the 17 persons were named in the FIR and the petitioners are standing on the similar footing as that of the two accused persons, who have been granted anticipatory bail by the learned Sessions Judge and also having considered the nature and involvement of the petitioners in the commission of the alleged offence and the charges which appear to be general and omnibus in nature, we are of the view that the custodial interrogation of the petitioners is not required and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.5,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and also comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioners shall co-operate with the investigation and shall not leave the jurisdiction of the jurisdictional court. The petitioners shall meet the I.O. as and when required. The petitioners shall also surrender before the court below within four weeks from date and pray for regular bail.

In default of complying with any of the conditions mentioned above, the trial court shall be at liberty to cancel the bail without any further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 305 of 2023 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)