

09.06.2023
SL No.54
Court No.1
(gc)
(Allowed)

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

CRM (A) 310 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Sahebganj Police Station Case No.62 of 2023, dated 26.02.2023 under Sections 143/147/148/325/326/307/332/333/427/353/506 of the Indian Penal Code read with Sections 25(1-A)/27 of the Arms Act and Sections 3/4 of the Prevention of Damage to Public Property Act.

And

In the matter of : **Sabana Khatun & Anr.**

- Petitioners.

Mr. Sudip Guha

... For the Petitioners.

Mr. Kallol Acharjee,

Mr. Tapan Bhattacharjee

... For the State.

The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated due to political rivalry and out of 48 accused persons named in the FIR, 21 persons have been granted statutory bail.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and has referred to the injury report.

Considering the fact that the allegations made are general and omnibus in nature and also having regard to the nature and involvement of the petitioners in the commission of the alleged offence and that 21 persons are already on bail, we are of the view that the custodial interrogation of the petitioners is not necessary.

Accordingly, we direct that in the event of arrest, the accused/petitioners be released on bail upon furnishing a bond of Rs.10,000/- 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 and on further condition that the petitioner No.2 shall meet the Investigating Officer once in a week till the charge-sheet is filed 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.)