

12.06.2023
SL No.29
Court No.1
(gc)
(Allowed)

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

CRM (A) 333 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with G.R. Case No.127 of 2023 arising out of Dinhata Police Station Case No.130 of 2023 dated 13.03.2023 under Sections 341/326/506/34 of the Indian Penal Code.

And

In the matter of : **Hayagrib Biswas @ Tiklu.**

- Petitioner.

Mr. Sandip Guha Roy,
Mr. Subham Saha

... For the Petitioner.

Mr. Abhijit Sarkar,
Mr. Kallol Nag

... For the State.

The learned Counsel for the petitioner submits that co-accused person similarly placed was granted anticipatory bail by this Bench on 7th June, 2023 and the present petitioner stands on the same footing.

The learned Counsel for the State in opposing the prayer for anticipatory bail submits that Debajit Chakraborty @ Rahul Chakraborty who was granted anticipatory bail on 7th June, 2023 stands on the same footing as that of the present petitioner.

Considering the materials available in the case diary, the injury report, the nature of involvement of the petitioners in the

commission of alleged offence, and also having regard to the fact that the petitioner stands on the same footing as that of Debajit Chakraborty @ Rahul Chakraborty, who was granted anticipatory bail on 7th June, 2023, we are of the view that the custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the accused/petitioner be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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. The petitioner shall co-operate with the investigation and make himself available for questioning to the Investigating Officer once in a week until further orders and the petitioner shall not leave the jurisdiction without the permission of the jurisdictional Court. The petitioner shall also surrender before the Court below within four weeks from date and obtain 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 reference to this 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.)