

12.6.2023

Sl. No.35
ar
[ALLOWED]
partly

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRM (A) 339 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kumargram Police Station Case No. 26 of 2023 dated 11.02.2023 under Sections 376/325/120B of the Indian Penal Code.

And

In Re: ***Soma Bhujel @ Soma Bhujel (Rava) Suma Bhujel
Rava & Ors.***

... .. Petitioners

Mr. Arijit Ghosh

... .. for the petitioners

Mr. Kallol Acharjee
Mr. Chattu Roy

... .. for the State

Heard the learned advocates appearing for both the parties.

Learned counsel appearing for the petitioners submits that the petitioners are the relative of Bhola Bhujel and they are not connected with the alleged commission of offence.

Learned counsel appearing for the State in opposing the prayer for bail has referred to the statement of victim recorded under Section 164 of the Code of Criminal Procedure implicating the petitioners.

Having considered the materials available in the case diary and the nature of involvement of the petitioners and the role attributed to the petitioners in the commission of alleged offence, we are of the view that the custodial interrogation of the accused/petitioner nos. **1, 3,**

4 and 5 may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner nos. **1, Soma Bhujel @ Soma Bhujel (Rava) @ Suma Bhujel Rava, 3, Indra Maya Bhujel, 4, Kusum Maya Bhujel and 5, Namita Sarkar Bhujel @ Soma Bhujel Sarkar** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 and on further condition that the petitioner nos. **1,3,4 and 5** shall co-operate with the investigation and on further condition that the petitioner nos. **1,3,4 and 5** shall not leave the jurisdiction without the permission of the jurisdictional court and shall surrender before the court below within four weeks from date and pray for regular bail.

The prayer for anticipator bail of the petitioner no. **2, Netra Bahadur Bhujel** stands rejected at this stage.

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.)

