

14.06.2023
Court No.01
Item No. 40
Allowed

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

sg

CRM (A) 342 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. 133 of 2023 dated 16.03.2023 under Sections 448/341/323/324/307/427/506/34 IPC read with Sections 25/27/35 of the Arms Act.

And

In Re: **Bablu Baishya & Ors.**

Petitioners

Mr. Sudip Guha

For the Petitioners

Mr. Kallol Acharjee

Ms. Namrata Das

For the State

The learned Counsel for the petitioners submits that due to rivalry, a false complaint has been lodged against the petitioners. The petitioners are innocent.

The learned Counsel for the State opposes the prayer for anticipatory bail. It is submitted that the husband of the de-facto complainant suffered injury.

Considering the materials available in the case diary and the nature of involvement of the petitioners in the commission of alleged offence and also having regard to the nature of injury suffered, 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.10,000/- each, with two sureties of like amount each, one of whom must be local, subject 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. The petitioners shall meet the Investigating Officer once in a week till the charge-sheet is filed and shall attend each and every date before the learned Trial Court and shall pray for regular bail.

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

CRM (A) 342 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)