

12.06.2023
SL No.48
Court No.1
Sb/Saswata
(Allowed)

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

CRM (A) 353 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Kotwali Police Station Case No. 245 of 2023, dated 05.04.2023 under Sections 448/326/34 of the Indian Penal Code, 1860.

And

In the matter of : **Khoka Roy @ Tajen**

- Petitioner.

Mr. Joydeep Kanta Bhowmik

Mr. Sayantan Bhowmik

Ms. Rikta Sarkar

... For the Petitioner.

Mr. Sourav Ganguly

Mr. Subhasish Misra

... For the State.

1. The Learned Counsel for the petitioner submits that the petitioner has been wrongly implicated in the instant case and he is innocent. It is submitted that false compliant has been made against the petitioner.
2. Learned Counsel for the prosecution, however, opposes the prayer for bail and has relied upon the statements of few witnesses recorded under Section 164 of the Cr.P.C., implicating the petitioner and his son in the offence. However, it has been fairly submitted that the son of the petitioner has been granted anticipatory bail by the Learned Trial Court.
3. Considering the fact that the son of the petitioner was granted anticipatory bail and he was standing on the same footing as that of the petitioner, we are of the view that custodial interrogation of the

petitioner is not necessary. Accordingly, we **allow** the prayer for anticipatory bail of the petitioner on the following conditions:

- i. In the event of arrest, the accused/petitioner, namely, **Khoka Roy @ Tajen**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one 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.
 - ii. The petitioner shall meet the Investigating Officer once in a week till filing of the charge sheet.
 - iii. The petitioner shall cooperate with the investigation.
 - iv. The petitioner 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.
4. The application for anticipatory bail is, thus, disposed of.
 5. 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.)