

12.06.2023
SL No.48
Court No.49
Sb/Saswata
(Allowed)

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

CRM (A) 356 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Rajganj Police Station Case No. 140 of 2023, dated 14.03.2023 under Sections 447/341/326/506 of the Indian Penal Code, 1860.

And

In the matter of : **Pradip Kumar Madak @ Pradip Madak**
- Petitioner.

Mr. Joydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar

... For the Petitioner.

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

... For the State.

1. The Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case by his neighbour on flimsy ground and the allegations are false and frivolous.
2. Learned Counsel for the State, in opposing the prayer for anticipatory bail referred to the injury report and statements of few witnesses recorded under Section 161 of the Cr.P.C. It is submitted that the eye witnesses have directly implicated the petitioner in commission of the offence.
3. Having considered the materials available in the case diary, the gravity of offence, nature of the dispute and the injury report, 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, **Pradip Kumar Madak @ Pradip Madak**, 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.)