

14.06.2023
Court No.01
Item No. 45
Allowed

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

sg

CRM (A) 384 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Rajganj Police Station Case No. 201 of 2023 dated 21.04.2023 under Sections 447/341/326/307/506/34 of IPC.

And

In Re: **Nirmal Mahanta & Ors.**

Petitioners

Mr. Arijit Ghosh

For the Petitioners

Mr. Abhijit Sarkar

Mr. Dhiman Sil

For the State

The learned Counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated by their neighbour. It is submitted that the petitioners have sustained injury and assaulted by the de-facto complainant and his family members.

The learned Counsel for the State in opposing the prayer for bail had relied upon the injury report sustained by the de-facto complainant on 21st April, 2023.

Considering the materials available in the case diary, the nature of injury and the complicity of the petitioners in the commission of alleged offence, we are of the view that the custodial interrogation of the petitioners is not necessary 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 petitioner shall attend each and every date before the learned Trial Court and shall pray for regular bail. The petitioner no.1 shall meet the I.O. once in a week till the charge-sheet is filed.

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

CRM (A) 384 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)