

14.6.2023

Sl. No.46

ar

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (A) 385 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No. 124 of 2023 dated 16.04.2023 under Sections 341/326/307/34 of the Indian Penal Code.

And

In Re: ***Kamal Pandit***

... .. Petitioner

Mr. Arijit Ghosh

... .. for the petitioner

Mr. Ujjwal Luksom
Mr. Tapan Bhattacharjee

... .. for the State

Heard the learned Advocates appearing for both the parties.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has been falsely implicated. It is further submitted that the petitioner is the principal accused named in the F.I.R.

Learned counsel appearing for the State in opposing the prayer for anticipatory bail has submitted that the brother of the de-facto complainant has suffered grievous injury and the petitioner is absconding. However, it is fairly submitted that other two accused persons have been granted bail.

Having considered the materials available in the case diary, the nature of complicity of the petitioner in the commission of alleged offence and the fact that the two accused persons are already on bail, we are of the view that the custodial interrogation of the

accused/petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner be released on bail upon furnishing a bond of Rs.5,000/- (Rupees Ten thousand only), 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 shall meet the Investigating Officer once in a week till the charge-sheet is filed and co-operate with the investigation and on further condition that the petitioner 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 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.)