

15.06.2023
SL No.42
Court No.1
(gc)
(Allowed)

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

CRM (A) 399 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Ghoksadanga Police Station Case No.55 of 2023, dated 13.02.2023 under Sections 447/341/323/325/354/307/506/34 of the Indian Penal Code.

And

In the matter of : **Oajul Haque & Ors.**

- Petitioners.

Mr. Subhasish Misra,

Mr. Swarup Das

... For the Petitioners.

Mr. Kallol Acharjee,

Mr. Dhiman Sil,

... For the State.

1. The learned Counsel for the petitioners submits that out of enmity, the entire family members have been falsely implicated and they are innocent.
2. The learned Counsel for the petitioners also submits that the complainant and the family members have been assaulted by the petitioners and they have suffered grievous injury.
3. The learned Counsel for the State, however, opposes the prayer for anticipatory bail.
4. Considering the materials available in the case diary and the nature of allegation is general and omnibus in nature

and overt act is attributed to the petitioners, we are inclined to grant anticipatory bail to the petitioners.

5. Accordingly, we direct that in the event of arrest, the accused/petitioners 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, 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 petitioners shall meet the Investigating Officer once in a week till the charge-sheet is filed and 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.
6. Accordingly, the application for anticipatory bail is allowed and disposed of.
7. 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.)