

04.07.2023
Item no.29
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) No.409 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Sitalkuchi Police Station Case No.30 of 2020 Dated 26.2.2020 under Sections 447/302/323/325/354/506/34 of the Indian Penal Code

And

In the matter of: Shyamal BarmanPetitioner.

Mr. Sudhindra Dasfor the Petitioner.

Mr. A. S. Chakraborty, Id. APP,
Mr. Arjun Chowdhuryfor the State.

Heard learned Advocate for the petitioner and learned Advocate for the State.

The petitioner before us claims parity with the other co-accused persons, who have been enlarged on bail by a Coordinate Bench on 2.2.2023 passed in CRM (DB) 27 of 2023.

Learned Advocate for the State while opposing the prayer for anticipatory bail submits before this Court that from the statements of the witnesses as recorded under Section 164 Cr.P.C. the role of the present accused petitioner is found prima facie prominent.

On perusal of the entire materials of the case diary, it appears that charge sheet has already been submitted. Sufficient materials have been placed before us to substantiate

that similarly circumstanced charge sheeted co accused persons have been enlarged on bail. It appears to us that this is not a fit case for custodial trial. Hence, we are inclined to allow the prayer of the petitioner.

Accordingly, in the event of arrest, the petitioner, namely Shyamal Barman shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that within twenty one days from the date of obtaining a certified copy or a server copy of this order, whichever is earlier, the petitioner shall appear before the learned Trial Court, failing which it would be treated that this Court has passed no order of anticipatory bail. The petitioner shall meet the O.C. /I. C. of Sitalkuchi Police Station once in a fortnight till conclusion of trial unless such condition has been relaxed by the learned Trial Court.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. (A) No.409 of 2023 is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)