

05.07.2023
Item no.12.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 431 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No.63 of 2023 Dated 28.01.2023 under Sections 341/323/325/506/305 of the Indian Penal Code.

And

In the matter of: Suresh Sarkar.

.....Petitioner.

Mr. Subhasish Misra,
Mr. Swarup Das, for the Petitioner.

Mr. Kallol Acharjee,
Mr. Dhiman Sil,
.....for the State.

Heard learned advocate for the petitioner and learned advocate for the State at length.

It is submitted on behalf of the petitioner that the allegation as made out in the FIR is not true and, therefore, he requests this Court to allow the instant application for anticipatory bail.

Learned advocate for the State however, opposes such prayer.

On perusal of the entire material in the Case Diary, it appears that there is no such material as against the present accused petitioner as would attract Section 107 of the Indian

Penal Code. Considering such circumstances, the prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest, the petitioner, namely, **Suresh Sarkar** 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 arresting officer 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 the petitioner shall report to the Investigating Officer of the concerned police station once in a week and/or as and when called for till submission of Final Form.

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. 431 of 2023 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)