

54. 03.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 436 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Haldibari Police Station Case No. 38 of 2023** dated **01/03/2023** under Sections **447/326/323/307/506/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Altaphar Rahaman @ Md. Altaphar**

...petitioner.

Mr. Jaydip Kanta Bhowmik, Adv.,
Mr. Sayantan Bhowmik, Adv.,
Ms. Rikta Sarkar, Adv.

...for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP

...for the State.

Heard learned Advocate for the petitioner as also learned Advocate for the State.

It is contended that considering the fact that investigation has already been completed and also considering the fact that the other charge-sheeted accused persons are all on bail, the instant application for anticipatory bail may be considered favourably.

In course of his submission learned Advocate for the State draws attention of this Court to the injury report of the victim wherefrom it appears that the injuries of the victim are minor in nature.

Considering such circumstances and also considering the fact that investigation has already been completed, we are inclined to allow the prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner, namely, **Altaphar Rahaman @ Md. Altaphar**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, 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, 1973, 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 has to appear before the learned Additional Chief Judicial Magistrate, Mekhliganj, Coochbehar.

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 CRM (A) 436 of 2023 is thus allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)