

05.07.2023
Item no.76
Court No.1.
AB
(Allowed)

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

CRM (A) No.448 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No.143 of 2023 Dated 18.3.2023 under Sections 420/364A/323/325/307/506/34 of the Indian Penal Code

And

In the matter of: Ratan Barman Petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das for the Petitioner.

Mr. Nilay Chakraborty,
Ms. Sukanya Adhikari for the State.

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

It is argued on behalf of the petitioner that in the instant case, a civil litigation has been converted into a criminal litigation to mount pressure upon the accused petitioner as well as other co-accused persons.

Learned Advocate for the State opposes the prayer for anticipatory bail.

We have considered the materials as placed before us including the materials available in the case diary. It transpires that the present case is an outcome of commercial transaction wherein some unwanted incidents occurred between the accused

petitioner and co-accused persons and the defacto complainant. Such being the position, we are inclined to allow the prayer of the petitioner for anticipatory bail considering the fact that this is not a fit case for custodial interrogation.

Accordingly, in the event of arrest, the petitioner, namely Ratan 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 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 present accused petitioner shall meet the Investigating Officer as and when called for till submission in Final Form. The petitioner shall appear before the Investigating Officer within a fortnight from the date of uploading of the server copy of this order.

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.448 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.)

